

Child Welfare Pre-Service Training

Adoptions

Participant Guide

October 2012



The materials for the **Child Welfare Pre-Service Training** curriculum were produced by Florida International University for the State of Florida, Department of Children and Families, Office of Family Safety.

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The materials for the **Child Welfare Pre-Service Training** curriculum were formatted and edited by the Child Welfare Training Consortium at the University of South Florida.

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Module 1: Adoption Requirements

FL Statute 63.022 (4): Basic Safeguards

The basic safeguards intended to be provided are that:

- The minor is legally free for adoption and that all adoptions are handled in accordance with the requirements of law.
- The required persons consent to the adoption or the parent-child relationship is terminated by judgment of the court.
- The required social studies are completed and the court considers the reports of these studies prior to judgment on adoption petitions.
- A sufficient period of time elapses during which the minor has lived within the proposed adoptive home under the guidance of an adoption entity, except stepparent adoptions or adoptions of a relative.
- All expenditures by adoption entities or adoptive parents relative to the adoption of a minor are reported to the court and become a permanent record in the file of the adoption proceedings, including, but not limited to, all legal fees and costs, all payments to or on behalf of a birth parent, and all payments to or on behalf of the minor.
- Social and medical information concerning the minor and the parents is furnished by the parent when available and filed with the court before a final hearing on a petition to terminate parental rights pending adoption, unless the petitioner is a stepparent or a relative.
- A new birth certificate is issued after entry of the adoption judgment.
- At the time of the hearing, the court may order temporary substitute care when it decides that the minor is in an unsuitable home.
- The records of all proceedings concerning custody and adoption of a minor are confidential and exempt from s. 119.07(1), except as provided s. 63.162.
- The birth parent, the prospective adoptive parent, and the minor receive, at a minimum, the safeguards, guidance, counseling, and supervision required in this chapter.
- In all matters coming before the court, the court must enter such orders as it deems necessary and suitable to promote and protect the best interests of the person to be adopted.
- In dependency cases initiated by the agency, where termination of parental rights occurs, and siblings are separated despite diligent efforts, continuing post adoption communication or contact among the siblings may be ordered by the court if found to be in the best interests of the children.

Overview of MEPA-IEP

The Intentions of MEPA-IEP

- Decrease the length of time children wait to be adopted
- Facilitate the recruitment and retention of foster and adoptive parents who can meet the distinctive needs of children awaiting placement
- Eliminate discrimination on the basis of race, color, or national origin of the child or the prospective parent

MEPA-IEP's Three Basic Mandates

- Prohibits the delay or denial of a child's foster care or adoption placement on the basis of the child's or the prospective parent's race, color, or national origin.
- Prohibits the denial of any individual the opportunity to become a foster or adoptive parent on the basis of the prospective parent's or child's race, color, or national origin.
- Requires that, to remain eligible for federal assistance, states must diligently recruit foster and adoptive parents who reflect the racial and ethnic diversity of the children in the state who need foster and adoptive homes.
- Best Interest of the Child
- The best interest of the child remains the standard in foster care and adoptive placements. Nonetheless, a child's race, color, or national origin cannot be routinely considered as a relevant factor in assessing the child's best interests.
- Only in narrow and exceptional circumstances arising out of specific needs of an individual child can these factors be lawfully taken into account.
- Even when the best interest of an individual child appear to compel consideration of these factors, you cannot assume that needs based on race, color, or national origin can be met only by a racially or ethnically matched parent.

MEPA-IEP and the Indian Child Welfare Act

- MEPA-IEP has no effect on the Indian Child Welfare Act (ICWA), which establishes standards and procedures for custody proceedings that affect Indian children.
- An Indian child, for purposes of ICWA, is an unmarried individual under the age of 18 who is either a member of a federally recognized Indian tribe or is eligible for membership and is the biological child of a tribal member.
- Tribal courts have sole jurisdiction over those children. Indian adults are protected by MEPA-IEP against discrimination if they want to become foster or adoptive parents of non-Indian children.

Can race ever be taken into consideration in making placements?

On rare occasions, the distinctive needs of an individual child may warrant consideration of the child's race, color, or national origin.

If that is the case, you must document responses to the following questions:

What are the child's special or distinctive needs based on race, color, or national origin? Why is it in the child's best interest to take these needs into account?

- Can the child's needs related to race, color, or national origin be taken into account without delaying placement and placing the child at risk for other harms?
- Can these needs be met by prospective foster or adoptive parents who do not share the child's racial or ethnic background?
- Can these needs be met ONLY by a same race/ethnic placement? If so, is some delay justified in order to search for a parent of the same race or ethnicity, if an appropriate person is not available in the agency's current files?
- In a foster care placement, can the child's special needs be taken into account without denying the child an opportunity to be cared for in a readily available foster home?
- What are the child's other important needs?

Among other needs to be considered and typically given the most weight are: the child's ages, ties to siblings and other relatives, health or physical condition, dietary, special interest, or athletic needs.

In addition, the child may have personal preferences that he or she can articulate and discuss.

Adoption Requirements: F.A.C. 65C-16

Housing and Neighborhood

- The family must provide adequate space and living conditions necessary to promote health, safety, and well-being of the child.

Health

- The prospective adoptive parents will be required to fully disclose health history and current health status.
- The physical, mental, or emotional health of the adoptive household must not jeopardize safety and permanency of the child.

Education

- There are no specific requirements regarding education, but it is desirable for adoptive applicants to have sufficient intelligence to perform adequately as people and as parents and to be able to provide the child with stimulation to measure up to their capacity.

Medical Care for Adopted Children

- The family must be willing to provide medical care for any child placed with them for adoption.
- They must be willing to place the child under the care of a physician and authorize medical treatment recommended by a licensed physician.

Age

- There is no age limit; however, there needs to be a reasonable expectation that the adoptive parents are going to live long enough to parent the child to the age of maturity.

Income

- The family must have income and resources to assure financial stability and security to meet expenses incurred in adequate care of the family.
- While a family's income must meet the needs of its current members, a family interested in a special needs child must not be precluded from consideration if the availability of an adoption subsidy would enable them to adopt a special needs child.
- Management of current income and the ability to plan for future changes in income so that the child's social, physical and financial needs will be met, are as important as the amount of income.

Criminal Background Check

- All adults living in the home and children over the age of 12 must undergo background checks (refer to the handout, "Background Checks for Adoptive Applicants").

Adoption Subsidy/Special Needs Children

Placement without subsidy must be the placement of choice, unless it can be shown that such

placement is not in the best interest of the child.

All other resources to place the child in a non-subsidized placement, including registration on the Adoption Exchange, must be explored prior to the adoption placement.

This requirement is waived when the child has been in a long term foster care placement and those parents wish to adopt.

The adoption subsidy program was established in order to make available to prospective adoptive parents financial aid which could enable them to adopt a special needs child when it has been established that the child cannot be placed without subsidy.

Special Needs Children

Special needs children are children whose permanent custody has been awarded to an agency and who meet at least one of the following criteria:

- Children who have established significant emotional ties with their foster parent.
- Children who are
 - eight years of age or older,
 - developmentally disabled,
 - physically or emotionally handicapped,
 - African American or racially mixed parentage,
 - a member of a sibling group of any age, provided two or more members of the group must be placed together for adoption.

Medical Subsidy

- The cost of medical, surgical, hospital, and related services needed as a result of a physical or mental or emotional condition of the child, which existed prior to adoption
- The need for medical services must be authorized prior to finalization of the adoption. The need must be supported by documentation from the appropriate professional.
- Must be reassessed annually.
- The medical subsidy is not to include those costs which can be or are covered by the adoptive family's medical insurance, Children Medical Services, Medicaid, or other community resources.

Non-Recurring Adoption Expenses

- Non-recurring, one time, adoption expenses incurred by or on behalf of the parents in connection with adoption of the special needs child.
- Non-recurring adoption expenses are those reasonable and necessary adoption fees, court costs, attorney fees, and other expenses directly related to the legal adoption of the special needs child such as:

- physical and psychological examination of the adoptive parents required as part of the adoption application
- transportation, lodging, and food for the child and the adoptive parents when necessary to complete the adoption placement
- The maximum payment allowable under this program is \$1,000.00 per child.
- In cases where siblings are placed and adopted either separately or as a unit, each child is treated as an individual with separate reimbursement.

Tuition Waivers

- Children may be eligible to receive up to four years of college exemptions at Florida universities, colleges, vocational technical school, and post secondary education facilities.
- State Employee
- As of July 1, 2010 the state employees adoption benefits program no longer exists. House Bill 5305 repealed section 409.1663, Adoption Benefits program, from the statutes.
- Other Medical Services
- Other medical services available may include ongoing Medicaid coverage and continuing eligibility with Children's Medical Services for children who were receiving such services prior to adoption.

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Background Checks for Adoption Applicants - 39.0138 F.S.

Background checks for adoptive applicants, family members, and frequent visitors to the home must include:

- Local criminal records checks through local law enforcement agencies for all household members
- Juvenile records checks, including police call outs (for children 12 or older)
- Statewide criminal records checks (age 18 and older) through the Florida Department of Law Enforcement (FDLE). (Make sure to check the Domestic Violence Injunction Registry, FDLE, telephone # (850) 410-8106 for verification of injunction and (850) 410-7676 for written verification of injunction.)
- Federal criminal records checks through the Federal Bureau of Investigation (age 18 or older); fingerprinting
- FSFN Hotline check if 12 years of age or older

The results of the background check will be evaluated as follows:

- If the check through FSFN Hotline reveals that an investigation of maltreatment has verified findings not resulting in a disqualifying felony conviction, the application is referred to the Adoption Review Committee for assistance.
- The adoptive applicants must be rejected if the criminal background check reveals:
 - felony convictions for child abuse, abandonment or neglect; for spousal abuse;
 - for a crime against children, including child pornography; or
 - a crime involving violence, including rape, sexual assault, or homicide, but not including other physical assault or battery, if it is found that a court of competent jurisdiction has determined that the felony was committed at any time;
 - a felony conviction for physical assault, battery, or a drug-related offense, if a court of competent jurisdiction has determined that the felony was committed within the past 5 years.
- Adoptive applicants, who as adults have been convicted of other crimes or have pled nolo contendere to other crimes, must be referred to the Adoptive Applicant Review Committee.

FL Statute 63.042: Who May be Adopted Who May Adopt

- Any person, a minor or an adult, may be adopted.
- The following persons may adopt:
 - A husband and wife jointly;
 - An unmarried adult; or
 - A married person without the other spouse joining as a petitioner, if the person to be adopted is not his or her spouse, and if:
 - The other spouse is a parent of the person to be adopted and consents to the adoption; or
 - The failure of the other spouse to join in the petition or to consent to the adoption is excused by the court for good cause shown or in the best interest of the child.
 - Homosexual, gay or lesbian adult.
 - Effective as of September 22, 2010 staff must stop asking prospective adoptive parents their sexual orientation including questioning if they are heterosexual, homosexual, gay or lesbian.
 - Staff must not use this information as a factor in determining suitability of applicants to adopt and must focus their attention on the quality of parenting that prospective adoptive parents would provide, and their commitment to and love for our children.
 - Any reference to potential parents' sexual orientation during the adoption process must be immediately stopped, both verbally and in writing.
- No person eligible under this section must be prohibited from adopting solely because such person possesses a physical disability or handicap, unless it is determined by the court or adoption entity that such disability or handicap renders such person incapable of serving as an effective parent.

Who Can Adopt Challenge

Directions

Use F.S. Chapter 63.042 to decide if the State of Florida can consider the persons described below as possible adoptive parents.

All of the examples are to be addressed on a surface level only. Do not add any extenuating circumstances or “what-ifs.”

1. Suzanne, a single 32 year-old adult female wishes to adopt the Blake brothers: Shawn, 2 years-old, and Mike, 7 months. Suzanne owns her own children’s clothing store and is financially stable. She is a diabetic who requires regular medication. Other than that, she is in excellent health.
 - Can the State of Florida consider her as a possible adoptive parent?

2. Michael and John (both in their mid-thirties) have been in a committed relationship for 5 years and consider themselves married, although their relationship is not legally recognized. They are both employed, financially stable, and healthy. They feel the only thing that is missing in their lives is a child. They wish to adopt 8 year-old Jose.
 - Can the State of Florida consider them as prospective adoptive parents?

3. Sharon and Phil (both in their thirties) have lived together for many years, but do not want to marry. Both were divorced in their early 20's. They want to adopt.
 - Can the State of Florida consider them as prospective adoptive parents?

Legal Steps for Adoption

Filing the TPR Petition 39.8055 and 39.806

- A TPR petition may be filed if there is clear and convincing evidence that one of the grounds in FS 39.806 (1)(a)-(l) exist or it may be expedited (no reasonable efforts to reunify) if grounds (e)-(l) exist.
- A TPR petition must be filed within 60 days after any of the following, if:
 - The child is not returned to the physical custody of the parents 12 months after the child was sheltered or adjudicated dependent, whichever occurs first;
 - A TPR has not otherwise been filed, and the child has been in out-of-home care under the responsibility of the state for 12 of the most recent 22 months.
 - A parent has been convicted of murder, manslaughter, aiding or abetting the murder or conspiracy or solicitation to murder the other parent, or another child of the parent, or a felony battery that resulted in serious bodily injury to the child or to another child of the parent; or
 - A court determines that reasonable efforts to reunify the child and parent are not required.
- If the parents are not complying with the case plan, the agency may announce its intent to initiate TPR proceedings; in such circumstances, the TPR petition must be filed within 90 days after the previous judicial review hearing.
- The Department of Children and Families must inform the parents of their right to place the child for private adoption. This must be included in the TPR Petition.
- Parental Consent - Rule 8.500 (g)
 - The parents of the child may consent to the petition for TPR at any time, in writing or orally, on the record.
 - If before the filing of the petition for TPR, the parents have consented to the TPR and executed surrenders and waivers of notice of hearing as provided by law, this must be alleged in the petition and copies must be attached to the petition and presented to the court.
 - If the parents appear and enter an oral consent on the record to the TPR, the court must decide the basis on which a factual finding may be made and must incorporate these findings into its order of disposition.

Process and Service - Rule 8.505.

- On the filing of a petition requesting TPR, a copy of the petition, notice of the date, time, and place of the advisory hearing must be personally served on
 - the parents, legal custodians or caregivers of the child;
 - if the natural parents are dead or unknown, a living relative of the child unless on diligent search and inquiry no relative can be found
 - any person who has physical custody of the child
 - any prospective parent identified by law
 - the guardian ad litem for the child or the representative of the guardian ad litem program, if

the program has been appointed

- the attorney ad litem for the child if one has been appointed
- any other person as provided by law.

Advisory Hearing and Pretrial Status Conferences Rule 8.510

Advisory Hearing

- An advisory hearing on the TPR petition must be held as soon as possible after service of process can be effected, but no less than 72 hours following service of process. Personal appearance of any person at the advisory hearing eliminates the time requirement for serving process on that person.
- The court must:
 - advise the parents of their right to counsel and appoint counsel in accordance with legal requirements.
 - decide if an admission, consent, or denial to the petition must be entered.
 - appoint a guardian ad litem if one has not already been appointed.
 - enter a consent to the TPR petition for a parent who is served and fails to personally appear.
 - proceed to disposition alternatives as provided by law if an admission or consent is entered by all parents named for a child included in the TPR petition and the court finds that TPR is in the best interest of the child.
 - set an adjudicatory hearing within the period of time provided by law or grant a continuance until the parties have sufficient time to proceed to an adjudicatory hearing, if denial is entered.

Pretrial Status Conference

- Not less than 10 days before the adjudicatory hearing on a petition for involuntary TPR, the court must conduct a pretrial status conference to decide the order in which each party may present witnesses or evidence, the order in which cross examination and argument will occur, and any other matters that may aid in the conduct of the adjudicatory hearing.

Voluntary Terminations

- An advisory hearing may not be held (as it is not required) if a petition is filed seeking an adjudication to voluntary TPR.
- Adjudicatory hearings for petitions for voluntary TPR must be set within 21 days of the filing of the petition.
- Notice of intent to rely on this subdivision must be filed with the court as required by law.

Adjudicatory Hearing – Termination of Parental Rights (TPR)

39.801; Rule 8.525.

- At this hearing the court must decide if the elements required by law for TPR have been established by clear and convincing evidence.

- The purpose is to decide if parental rights will be terminated so that the child can be adopted.
- The adjudicatory hearing must be held within 45 days after the advisory hearing, unless all necessary parties stipulate to some other hearing date.
- Reasonable continuances may be granted for purposes of investigation, discovery, procuring counsel or witnesses, or for other good cause shown.
- The adjudicatory hearing for voluntary surrenders of parental rights must be held within 21 days after filing the TPR petition.
- The judge must enter a written order with a finding of fact and conclusion of law.
- If TPR is ordered (TPR Order of Disposition) parents have 30 days to file an appeal.
- The judgment for TPR is not final if parents file an appeal, and the appeal process is not completed.

Post Disposition Hearings - Adoption Rule 8.535

Initial Hearing

- If the court terminates parental rights, a post-disposition hearing must be set within 30 days after the date of disposition.
- At the hearing, the agency must provide the court with an amended case plan that identifies the permanency goal for the child (adoption).

Subsequent Hearings

- Following the initial post disposition hearing, the court must hold hearings every 6 months to review progress being made toward permanency for the child until the child is adopted or reaches the age of 18, whichever occurs first.

Continuing Jurisdiction

- The court that terminates the parental rights to a child under chapter 39, Florida Statutes, must retain exclusive jurisdiction in all matters pertaining to the child's adoption under chapter 63 Florida Statutes.

Adoption Petition Rule 8.535

- The petition for adoption must be filed in the division of the circuit court that entered the judgment terminating parental rights, unless a motion for change of venue is granted.
- The adoption petition must be filed no later than 60 days after entry of the final judgment of termination of parental rights.

Adoption Finalization

- A final judgment of adoption is issued when the court decides that
 - Adoption is in the best interest of the child.
 - Parental rights have been terminated.
 - The period for filing of an appeal has expired.

Adoption Checklist

Case Name/Case #: _____	Photo Date: _____
Child's Name/Age: _____	Placement Type: _____
Case Manager: _____	Case Goal: _____
Removal Date: _____	Review Date: _____

CITES	TASKS	Yes	No	FOLLOW-UP TASKS
COURT ACTIVITIES				
39.8055 39.802 39.806 63.054 63.165 63.062 QPS #40,41	<ul style="list-style-type: none"> • TPR petition filed timely <ul style="list-style-type: none"> <input type="checkbox"/> Within 60 days of last judicial review <input type="checkbox"/> Expedited TPR <input type="checkbox"/> TPR packet to legal • Search of Florida Putative Father Registry • Birth/Adoptive parents notified in writing of the adoption reunion registry prior to TPR or placement • Notice of intended adoption served upon any known/locatable unmarried biological father identified by the mother or FL Putative Father Registry 			
39.701(1) (a)	<ul style="list-style-type: none"> • Judicial reviews every 6 months until finalization <ul style="list-style-type: none"> <input type="checkbox"/> JRSS/CPU includes all necessary information <input type="checkbox"/> Notification to all parties <input type="checkbox"/> Report balances of Master Trust accounts 			
39.811(8) QPS #24	<ul style="list-style-type: none"> • Case plan amended <ul style="list-style-type: none"> <input type="checkbox"/> Goal is changed to adoption <input type="checkbox"/> Case Manager tasks include adoption-recruitment 			
39.812(5) 63.062 63.102(3) 63.112 63.085	<ul style="list-style-type: none"> • Adoption petition tiled timely <ul style="list-style-type: none"> <input type="checkbox"/> Not later than 60 days after entry of the final judgment of TPR - unless step-child or relative • Copy of consent attached to petition • Statement by prospective adoptive parents acknowledging receipt of information required to be disclosed. 			
63.112 63.142(4)	<ul style="list-style-type: none"> • Adoption Finalization Hearing • Not sooner than 30 days after date of TPR or not sooner than 90 days after date the child is placed in physical custody of petitioner. 			
	<ul style="list-style-type: none"> • Court orders in file <ul style="list-style-type: none"> <input type="checkbox"/> TPR order <input type="checkbox"/> JR order <input type="checkbox"/> Shelter order <input type="checkbox"/> Adoption finalization order 			
ADOPTION SUBSIDY/TITLE IV-E/MASTER TRUST				
175-71 65C-16.013	<ul style="list-style-type: none"> • Adoption Subsidy Eligibility/Screening Worksheet <ul style="list-style-type: none"> <input type="checkbox"/> Must be determined and signed prior to placement <input type="checkbox"/> Eligibility determined again w/ 3 months of filing the petition for finalization <input type="checkbox"/> Subsidy approved by the region/circuit (prior to adoptive parents agreement) <input type="checkbox"/> Initial adoption assistance agreement with adoptive parents completed prior to finalization 			
175-71 Ch4	<ul style="list-style-type: none"> • Title IV-E Adoption Assistance Child In Care Notification Of Case Action <ul style="list-style-type: none"> <input type="checkbox"/> Determination done on 3 occasions • Medicaid eligibility decided every 12 months 			

CITES	TASKS	Yes	No	FOLLOW-UP TASKS
	ADOPTION SUBSIDY/TITLE IV-E/MASTER TRUST			
175-59	<ul style="list-style-type: none"> • Master Trust Fund tasks completed <ul style="list-style-type: none"> <input type="checkbox"/> 90 days prior to finalization, Case Manager, supervisor, CLS plan the recommended disposition of Master Trust account funds. <input type="checkbox"/> After finalization, the court reviews/approves the disposition of the child's Master Trust account balance. 			
	<ul style="list-style-type: none"> • SSI Children - copy of SSA Award letter in file 			
	<ul style="list-style-type: none"> • Adoption assistance agreement renewed annually prior to expiration of existing agreement 			
	PAPERWORK			
	<ul style="list-style-type: none"> • File organized per local protocol 			
	<ul style="list-style-type: none"> • Quality Documentation <ul style="list-style-type: none"> <input type="checkbox"/> AFCARS <input type="checkbox"/> FSN <input type="checkbox"/> ICWSIS 			
	PRE PLACEMENT ACITVITIES			
65C-16.005 65C-16.009 QPS #42,43	<ul style="list-style-type: none"> • Adoptive Home Study is complete/comprehensive • Background checks complete • Adoption Review Committee (ARC) completed if necessary 			
39.6011(5); 63.165 65C-16.017 QPS #42	<ul style="list-style-type: none"> • Family registered on Adoption Exchange 			
	<ul style="list-style-type: none"> • Initial contact with child (ren) documented 			
175-16 Ch. 3, sec. 7 65C-16.002(7) QPS#42	<ul style="list-style-type: none"> • Child study completed <ul style="list-style-type: none"> <input type="checkbox"/> Reflects information that Case Manager and adoptive family need to know <input type="checkbox"/> Reflects information needed to make a good match between child and potential adoptive parents <input type="checkbox"/> Includes placement history of child and disruption summary <input type="checkbox"/> Includes services needed for child when placed 			
QPS #42	<ul style="list-style-type: none"> • Child(ren) registered on adoption exchange within 30 days after TPR <ul style="list-style-type: none"> <input type="checkbox"/> Referral includes photograph and description of child <input type="checkbox"/> If TPR is on appeal, child is registered with a reason of "on hold for TPR on appeal". • Child(ren) registered on regional and national adoption exchange if not placed in adoptive home within 90 days of TPR 			
63.165 63.085(2) QPS#43	<ul style="list-style-type: none"> • Birth/Adoptive parents notified in writing of the adoption reunion registry prior to TPR or placement • Disclosure to Pre-adoptive parents of child's background and child's family's social and medical history 			
65C-16.003	<ul style="list-style-type: none"> • Quarterly case staffing <ul style="list-style-type: none"> <input type="checkbox"/> Assess needs of waiting child 			

CITES	TASKS	Yes	No	FOLLOW-UP TASKS
	PRE PLACEMENT ACTIVITIES (CONTINUED)			
39.811(9) 409.166(2)(a)3 65C-30.012(1)(a) 65C-16.013(1) 65C-16.004 QPS #42	<ul style="list-style-type: none"> • Documented attempts to recruit adoptive family who best meets child's needs <ul style="list-style-type: none"> <input type="checkbox"/> Previous caregivers contacted and notified of availability of child for adoption <input type="checkbox"/> Other resources used for waiting children with special needs • Documentation to show "reasonable recruitment efforts" to attain placement without subsidy 			
39.001(1)(k) 39.811(7)(b) 65C-16.002(3) QPS# 43	<ul style="list-style-type: none"> • Documentation of decision to separate siblings or efforts to place together 			
	<ul style="list-style-type: none"> • Child data <ul style="list-style-type: none"> <input type="checkbox"/> Birth certificate <input type="checkbox"/> Social security card <input type="checkbox"/> Up-to-date health records <input type="checkbox"/> Up-to-date school/records <input type="checkbox"/> Up-to-date psychological evaluation (if age appropriate) <input type="checkbox"/> Photographs <input type="checkbox"/> Developmental assessment 			
QPS #42	<ul style="list-style-type: none"> • MEPA compliance 			
QPS#54	<ul style="list-style-type: none"> • When match determined, needed services in place before placement 			
	<ul style="list-style-type: none"> • Placement plan established <ul style="list-style-type: none"> <input type="checkbox"/> Pre-placement visits <input type="checkbox"/> Telephone contact 			
	PLACEMENT ACTIVITIES			
	<ul style="list-style-type: none"> • Ongoing assessment of risk is documented <ul style="list-style-type: none"> <input type="checkbox"/> At placement <input type="checkbox"/> During monthly visits <input type="checkbox"/> Upon case closure 			
QPS #54, 58 - 66	<ul style="list-style-type: none"> • Needed services are in place <ul style="list-style-type: none"> <input type="checkbox"/> Service needs of adoptive parents <input type="checkbox"/> Children receiving appropriate services to meet educational needs <input type="checkbox"/> Children receiving services to meet their physical, dental, mental health needs 			
	<ul style="list-style-type: none"> • Ongoing communication with providers is documented <ul style="list-style-type: none"> <input type="checkbox"/> Information updates 			
	<ul style="list-style-type: none"> • Memorandum of Agreement (Placement Agreement) signed <ul style="list-style-type: none"> <input type="checkbox"/> At time of placement and <input type="checkbox"/> In case file 			
	<ul style="list-style-type: none"> • Visitation with biological family per court order (siblings, extended family) is occurring or document reasons "why not" 			
63.122 65C-16.010(1)	<ul style="list-style-type: none"> • Supervision of adoptive placement for a minimum of 90 days 			
QPS #43	<ul style="list-style-type: none"> • Monthly visits <ul style="list-style-type: none"> <input type="checkbox"/> Observations and interactions documented 			
	<ul style="list-style-type: none"> • Consents to adopt issued timely 			

Comments: (Include other issues, concerns, or recommendations regarding case management/documentation that are not directly addressed on the checklist.)

CITES	TASKS	Yes	No	FOLLOW-UP TASKS
	POST PLACEMENT ACTIVITIES			
65C-16.010(4)(d)	<ul style="list-style-type: none"> • Disruption summary clearly explains why disruption occurred. 			
65C-16.010(4)(d)	<ul style="list-style-type: none"> • Post finalization cases <ul style="list-style-type: none"> <input type="checkbox"/> Dissolution Summary explains reasons the match was unsuccessful and a description of the impact on the child. 			

Supervisor/Reviewer _____

Case Manager _____

Module 2: The Adoption Process

Overview of the Adoption Process

Staffing and Adoption Planning

The adoption process begins with a staffing referral of a child with the adoption program.

When a staffing has decided adoption is the best option for the child, the Adoption Unit accepts the case, and begins adoption planning.

In some regions/circuits, the foster care unit obtains TPR before the case is transferred to the adoption unit.

Once TPR is secured, the planning for the permanent placement of the child is initiated.

The Florida Adoption Exchange is immediately notified and later assists in the location of parents when necessary.

Preparation of the Child and Prospective Adoptive Parents/Family

- The child must be prepared for adoption.
- The child study is completed in order to
- document the child's special needs
- pull together all pertinent information for the child's record
- provide all pertinent current and past history about the child and family in order for the adoptive parents to be fully aware of the child's needs
- Pre-placement activities necessary to prepare the child for adoption must be conducted.
- Discuss the child's fears, as most children want to be adopted, but are afraid.
- Select activities to assist the child with the transition from foster care to adoption.
- Plan and develop transitional activities to minimize anxiety for the child, adoptive family, and foster family.
- Ensure the timing and order of transition activities are based upon the child's needs and pace.
- Place a copy of the child's life book in the adoptive case file; the child keeps his/her own life book.

Prospective parents are recruited on an ongoing basis and are prepared and evaluated for special-needs adoption through the Model Approach to Partnership in Parenting (MAPP) process or another agency approved process.

- The MAPP process:
 - assesses applicants' parenting potential
 - educates them about unique aspects of parenting special-needs children
 - allows the prospective adoptive parents to assess their own abilities and skills for parenting a variety of children's strengths and needs

Pre-Placement Activities

- Activities prior to placement of the child for adoption must be conducted.
 - Review potential adoptive families available.
 - Document prioritization of families according to different factors present.
 - Provide documentation that there is no family available who will adopt the child without a subsidy.
 - Document the presentation of pictures and information about the family to the child.
 - Document the presentation of the child study and picture of the child to the adoptive parents.
 - Arrange a meeting for adoptive parents to see/meet the child(ren).
 - Arrange/monitor visitations between adoptive parents and child(ren) prior to placement.
 - Document subsidy discussions with adoptive parents.
 - Complete necessary forms prior to and on adoption placement day. (Memorandum of Agreement, Subsidy Agreement)
 - Ensure all necessary services are in place at the time of placement.
 - Monitor the child's Master Trust Fund (if applicable)

Placement Stability/Post Placement Supervision Services

Once the child is ready, placement in the home occurs, followed by a period of supervision and evaluation.

A post placement plan is put in place for a period no less than 90 days:

- Placement stability must be ensured and completed.
- Any family issues that might lead to placement disruptions are resolved.
- All necessary supports to maintain and stabilize the adoptive placement are implemented.
- Frequent visits
 - The first home visit must be made within one week after placement.
 - There must be a minimum of 3 supervisory visits in placements that are non-problematic.
 - Referral for services
 - Adoption subsidy
- For foster families that adopt children in their home under foster care, the agency can choose to:

- Waive the 90 day supervision after placement.
- Issue consents to adopt
- Following the required post-placement supervision
 - Complete a final home evaluation and file it with the court; it must include a recommendation for granting the adoption petition.
 - Supervisor signs the consents to adopt and it is forwarded to the adoptive family's attorney.

Finalization

A final judgment of adoption is issued when the court decides:

- Adoption is in the best interest of the child
- Parental rights have been terminated.
- The period for filing of an appeal has expired.

Case Managers must ensure that the following tasks get completed.

- Complete the initial adoption assistance agreement with adoptive parents prior to finalization.
- Plan a “celebration,” especially for children in foster home settings.
- Complete Master Trust Fund tasks prior to finalization.

Case Manager Documentation and Case Management

Child Preparation	Adoptive Parents Preparation
Child Study	MAPP or other agency training
Life Book	Adoptive Home Study (Unified home study)
Pre-placement visits	Affidavit of Good Moral Character
Placement Supervision	References
	Abuse Hotline/Criminal/Delinquency Checks

Guide to Writing the Child Study

Description

- What is the child's height?
- What is the child's weight?
- What color hair/eyes?
- Child's complexion?
- What is the child's race/ethnicity?
- Does the child have any unusual physical characteristics? What are they?
- What does the child like to do during his/her free time? (NOTE: Don't just answer play-what does the child like to play?)
- How does the child interact with peers and adults? Is he/she shy, talkative, affectionate?
- Does the child have school/neighborhood friends? How do they get along?
- How does the foster parent describe the child?

Developmental History

To get this information, look at birth records, and TPR judgment. Also talk to foster parents to get developmental milestone information. If you can't read or understand birth/medical records call the Hospital and ask a nurse from the nursery or pediatric unit to clarify.

- What was the age of mother/father at the time of birth
- Did the mother receive prenatal care?
- Did the mother/father abuse drugs?
- Was the child a full term baby (born at 40 weeks gestation)?
- What were the child's APGAR scores at the time of birth?
- At the time of birth, how long did the baby stay in the hospital?
- When the child was released from the hospital, to whom was he/she released?
- Was the baby born with a medical condition? If so, how was it treated? How does that condition affect the child today?
- Does the child have any physical handicaps? What about speech development?
- Discuss the child's developmental milestones. At what age did the child start to crawl, walk? Did the child have difficulty with any of these?
- Has the child experienced any childhood illnesses such as mumps, chicken pox? Any other significant illnesses?
- Discuss the child's psychosocial development. Are child's social skills at an age appropriate level?

Family History

- What is the race/ethnicity of the child's parents?
- Did the parents have any religious affiliation?
- Describe any known physical characteristics about the child's parents.
- Describe the educational level of the parents.
- Were the parents physically healthy? What about mental illnesses or drug dependency?
- List and describe any personality traits, special interests, or abilities the biological parents may have had.
- Describe the child's past and present relationship with parents and other close relatives. If the child is old enough, ask the child. Was the child particularly close to someone in the family? What about siblings? Where are they? What kind of relationship does the child have with siblings?
- Were the child's parents married at the time of the child's conception and birth?
- List and describe any hereditary factors known to the department about any of the members of the child's birth family.

Psychological Evaluation

- Who performed the evaluation on the child?
- When and where was it done? Did it take place in an office setting or at the child's home?
- What were the conclusions? List all diagnoses on the 5 axis.
- Did the psychologist make any recommendations? What were they?

Placement History

- How old was the child when he/she was removed from his/her home of origin?
- What were the reasons that caused the child to be removed from his/her home of origin?
- Was the child ever returned to his/her home of origin?
- List all of the child's placements. Include the length of stay in each placement and the reasons for the moves.
- Describe the child's reaction to the moves (indifferent, happy, sad, angry).
- If the child has siblings, were all the siblings moved together or were they separated? If they were separated, what was the reason for the separation?
- Describe the current placement. Who lives in the home? How does the child fit into this home? If not a foster home, describe the type of setting. Describe the child's relationship with the people who care for him/her and others that come into contact with him/her daily.

School Experience

- What grade is the child in?

- What type of school? Is the child in a special school program?
- How long has the child been in this school?
- Does the child have problems or difficulties at school? If so, are they social problems with peers or teachers, learning disabilities, short attention span, aggressive behavior?
- Has the child had any significant achievements at school? If so, what are they?
- How does the child feel about school? What is his favorite subject? Least favorite subject?
- Is the child involved in any extracurricular activities?

Legal Status of the Child

- List the date the child was removed from his home; date of adjudication of dependency; date of disposition into foster care.
- Describe the circumstances that led the Agency to proceed with TPR. Explain if the TPR process involved any unusual circumstances.

Special Needs of the Child

- Does the child have special medical or psychological needs? If so, what kind of family will be best able to meet those needs?
- What culture will this child best fit in with? Does the child have any concerns about being adopted by a family from a different culture than his family of origin?
- Does the child require special educational facilities? If so, what are they?
- Does the child want to live with a family that has children or does he/she want to live with a childless couple or single parent?

Preparation of the Child for Adoption

- What has been done to prepare the child for adoption? Does the child know why he came into foster care and why he couldn't live with his biological family?
- How does the child define his relationship with biological parents and foster parents? Use the child's own words to answer this question. Foster parents can supply this information if the child is too young; however, a child as young as four years of age may be able to articulate his feelings if the subject is discussed with him at his level.
- What kind of planning needs to take place with the prospective adoptive family and the child before the child can be placed for adoption? What is the best way for the prospective adoptive family and the child to meet? What type of pre-placement visitation should take place to prepare the family and the child for a successful adoption placement? Will the prospective adoptive family need to make any special preparations to their home in order to meet the child's needs?

Adoptive Home Application

Adoptive Home Application

65C-16.005, F.A.C.

An adoptive home application includes necessary identifying information required by statute and all parties wanting to adopt must have an application to adopt form completed for review (65C-16.004).

In determining adoption applications for approval, all of the following criteria must be considered:

- Child's choice
- Ability and willingness of the adoptive family to adopt some or all of a sibling group. Needs of each of individual child must be promoted.
- Commitment of the applicant to value, respect, appreciate, and educate the child regarding his or her racial and ethnic heritage and to permit the child the opportunity to know and appreciate that ethnic and racial heritage.
- The family's child rearing experience
- Marital status
- Residence
- Income
- Housing and neighborhood
- Health
- Other children in the family
- Working parents-supporting the child during the transition period must be considered
- Affidavit of Good Moral Character
- Background screening per 65C-16.007
- References-a minimum of five written references are required

E. INTERESTS:	Husband's (Man's)	Wife's (Woman's)
Community (clubs, lodges, etc.)		
hobbies or special interests		

F. HEALTH: Attach completed physician's report of husband (man and wife (woman)).

Report Attached

G. EMPLOYMENT: If current employment is less than 3 years, list former employment for 10 years.

	Husband's (Man's)	Wife's (Woman's)
Current Employment		
Prior Employment (if applicable)		

H. FINANCIAL STATUS - ASSETS: Husband's (Man's) Wife's (Woman's)

Gross Yearly Salary		
Interest or Dividends		
Rental Income		
Other		
Real Estate at Market Value		
Savings		
Other Investments	(list on separate sheet and attach to this application)	(list on separate sheet and attach to this application)
Life		
Accident		
Hospitalization		
Other (specify)		

G. FINANCIAL STATUS-LIABILITIES: Itemize on separate sheet and indicate payment plan. Attach sheet to this application.

Debts Totalled	Exclude home mortgage	Exclude home mortgage
Other Obligations		

II. LIFE HISTORY

A. Husband's (Man's) Birthdate: _____ Husband's (Man's) Birthplace: _____

Wife's (Woman's) Birthdate: _____ Wife's (Woman's) Birthplace: _____

B. RACE/ETHNICITY:

	White	Black	Spanish American	Puerto Rican	Oriental	American Indian	Other
Husband (Man):	<input type="checkbox"/>						
Wife (Woman):	<input type="checkbox"/>						

C. EDUCATION: Last Grade Completed or Degree Special Training, if any

Husband (Man)		
Wife (Woman)		

D. MEDICAL HISTORY - PHYSICAL and PSYCHIATRIC - MAJOR MEDICAL CONDITIONS

Condition Treated for Date Treated Inpatient or Outpatient Place Treated

Husband (Man)	1.			
	2.			
	3.			
	4.			
Wife (Woman)	1.			
	2.			
	3.			
	4.			

E. PREVIOUS MARRIAGES: Attach documentation of death or divorce

Previous Spouse's Name Date and Place Married Date and Place Marriage Terminated

Husband's	
Wife's	

Children of Previous Marriage:

Child's Name Age Whereabouts Support
Payment Describe continuing
contact if out-of-home

Husband's (Man's)					
Wife's (Woman's)					

F. ARREST RECORD: (violations of law other than minor traffic violations)

Husband (Man): Yes No Civil Rights Restored? Husband (Man): Yes No

F. ARREST RECORD - Continued: If husband (man) or wife (woman) has arrest record, provide details below:

Husband (Man)

or Wife (woman)

Where Arrested

Date Arrested

Nature of Charge

Disposition

Husband (Man) or Wife (woman)	Where Arrested	Date Arrested	Nature of Charge	Disposition

Name

Address

Telephone Number

III. REFERENCES (two must be non-relatives)

Husband's (Man's) Employer _____

Wife's (Woman's) Employer _____

Do you know anyone well who is adopted? _____ Who? _____

Have you ever applied to adopt a child from another source? _____

When? _____ What source? _____

IV. ADOPTION

What children would you like us to consider for your family (age, sex, siblings, disabilities, etc.)? _____

What children would you not like us to consider for your family (age, sex, siblings, disabilities, etc.)? _____

I understand the importance of providing complete information and attest that the information provided above is accurate to the best of my knowledge. I understand, in accordance with Section 837.06, Florida Statutes, that making false statements in writing with the intent to mislead a public servant in the performance of his official duty is a misdemeanor of the second degree, punishable as provided in Sections 775.082, 775.083, or 775.084, Florida Statutes.

Husband's (Man's) Signature

Wife's (Woman's) Signature

Date Signed



ADOPTIVE HOME APPLICATION

(All information herein is strictly confidential)

Date: _____

I, _____
We _____
Husband's First Name Middle Name Last Name

Wife's First Name Middle Name Last Name

Residing
at _____

County: _____

Have read and understand the following:

IMPORTANT NOTE: Pursuant to the Multi-Ethnic Placement Act of 1994 and the Small Business Job Protection Act of 1996, Section 1808, "Removal of Barriers to Interethnic Adoption," race, culture or ethnicity may not be used as the basis for any denial of placement, nor may such factors be used as a reason to delay a foster or adoptive placement. Discrimination is not to be tolerated, whether it is directed towards adults who wish to serve as foster or adoptive parents, toward children who need safe and appropriate homes, or toward communities or populations that may previously have been under-utilized as a resource for placing children.

Guide to Writing the Adoptive Home Study

65C-16.005, F.A.C.

The Adoptive Home Study (Unified Home Study)

A written report generally referred to as the adoption home study must be prepared for each family who is seeking to adopt. The home study must address the criteria considered in the adoptive home application along with identifying residence, demographics, contacts, and background screening information:

FSFN now provides users the ability to document four distinct types of home studies in a single electronic format, The Unified Home study:

- Relative-R
- Non-relative-NR
- Licensed home-LFC
- Adoptive home-AD

The following sections/content are found in an adoption home study/unified home study:

- Identifying Information
- Contact Information
- Information shared with applicants
- Other household members
- Children currently in the home who were placed by agency
- All minor and adult children of primary caregiver
- Background Checks
- Criminal History
- Assessment of the overall functioning of the family and their capacity to provide a safe placement for children
- Family income
- Exploration of family's understanding, commitment and capacity to provide care for the children
- Strengths of family/child characteristics/placement matching
- Photographs
- Safety requirements
- Recommendation
- Approval signatures

Adoption Review Committee

Each region/circuit and community based care provider responsible for providing adoption services for children in the custody must establish an adoptive review committee.

- Provides consultation and assistance to the Case Manager on any adoptive home study in which the Case Manager and supervisor are recommending rejection or situations presenting challenging issues.
- Cases with the following issues must be referred to the committee:
 - Health - cases where the applicants health compromises or could compromise their ability to care for a child.
 - Abuse History - applicants have verified priors that did not result in a disqualifying felony conviction and cases in which there were some indicators of maltreatment.

Access to Closed Adoption Records

65C-16.016, F.A.C.

- Confidentiality of adoption records, original birth records, and court case files are maintained and the records are sealed upon finalization.
- DCF must retain, on a permanent basis, all records relating to each child who became adopted through the department.
 - The purpose is to provide requested non-identifying adoptee or birth parent information or when ordered by the court (63.162 F.S.) to provide identifying adoptee or birth parent information.
- Florida law requires non-identifying information to be released to adoptive parents and adult adoptees when they send a written request. No information will be provided over the telephone.
- Because records must be indexed by names of the adoptive parents, that information must be included in the letter as well as a form of ID.

Florida Adoption Reunion Registry

The purpose of the reunion registry is to reunite adult adopted persons with members of their family without either party having to take court action. Individuals from families separated by adoption may be reunited should each party seek that reunion.

- All birth and adoptive parents must be advised of the registry services prior to finalization.
- Persons voluntarily register information about themselves for release to specified other parties to that adoption.
 - Registration is completed by submitting an application for registry services, indicating to whom they consent to release identifying information about themselves.
 - Adoptee birth data will be verified by registry staff.
 - Any registrant may update and change the name, address, telephone number on the registration form, may limit or restrict their consent to release information or completely withdraw from the registry at any time.
 - A nominal fee is charged to defray the cost of operating the registry. The fee may be waived.
 - Persons to whom identifying information may be released are limited by 63.165, F.S.:
 - Adoptee
 - Birth father and mother
 - Adoptive mother and father
 - Birth siblings
 - Maternal and paternal birth grandparents of adoptee

Re-Opening Case for Adoption

Purpose:

To provide policy guidance and best practice when a case is closed as permanent placement with a fit and willing relative or permanent guardianship of a dependent child, no TPR was obtained prior to closure and the family contacts the agency requesting assistance in adopting the children in their custody.

Background:

A family may contact the court or agency about adoption many months or years after the court terminated services to the children in their custody and the court retained jurisdiction of the court case.

- If the family contacts the agency first, best practice dictates that a Case Manager and Adoption Case Manager have a discussion with the family to assess that adoption is feasible - explaining the background check requirements and termination of parental rights proceedings. The family must be told that only cases that involve voluntary relinquishments by the parents or when the whereabouts of the parents are unknown and therefore abandonment is the basis for TPR are reopened.
- If the family wants to proceed, agency staff must refer them to the court to file a petition or pro se motion requesting the court case be taken out of administrative suspense, supervision reopened, and the case plan goal changed to adoption.
- If the court agrees to take the court case out of administrative suspense, the court shall set a hearing with notice given to the parents, CBC agency and DCF by the court/clerk or court facilitator. If the parents appear and indicate a willingness to consent to TPR, the court may issue an order with a finding that the circumstances of the permanency goal are no longer in the best interest of the child, reinstate supervision by the CBC/DCF and, change the case plan goal to adoption. The agency should be directed to file an adoption case plan and a TPR petition on the grounds of voluntary relinquishment.
- When the whereabouts of the parents are unknown, the court should issue an order with a finding that the circumstances of the permanency goal are no longer in the best interest of the child, reinstate supervision by the CBC/DCF, and change the case plan goal to adoption. The agency should be directed to file an adoption case plan and a TPR petition on the grounds of abandonment.
- When the parents appear at the hearing and state they will contest the TPR, the court shall place the court case back under administrative suspense and reaffirm the case plan goal of permanent guardianship. No further action by CBC/DCF is required.
- If the court orders that supervision be reinstated and the case plan goal changed to adoption, monthly contacts with the child and relative caregiver are required. An assessment of the current and future needs of the child, current circumstances of the family, including any

present or future services, will assist in completing the required child study and home study. Adoptive parent training is not required for relatives but an assessment of whether any of the training materials would be beneficial information should be conducted.

- Casework activities will be conducted as with any relative placement where the agency is planning to file a petition to terminate parental rights and will be awarded permanent commitment of the children for the purpose of adoption by the relative.
- At the time TPR is granted, the final judgment should permanently commit the child to the department for the purpose of adoption and placement of the child will remain with the relative.
- All special needs children for whom the caregivers request maintenance adoption subsidy as a result of this process, must have adoption subsidy eligibility processed through FSFN and an adoption subsidy agreement signed by all parties prior to finalization.

Documentation in FSFN:

1. The old case is reopened with a living arrangement until permanent commitment is awarded to the department at the time TPR is granted.
2. Case Plan is created with a goal of adoption.
3. Monthly contacts must be documented for each child.
4. TPR petition filing date must be documented.
5. TPR dates for both parents must be documented (Judicial Review required if TPR is not timely).
6. TPR granted all/permanent commitment must be documented.
7. At the time TPR is granted, a removal is documented and the Manner of Removal is "Voluntary" when voluntary relinquishment is the basis for TPR and "Court Ordered" when abandonment is the basis for TPR.
8. A Relative Home study (Unified Home study) must be documented.
9. Service Type of "Relative" with a placement setting of "family foster home (relative)."
10. Child Study must be documented.
11. An Adoptive (Unified) Home study must be documented by updating the relative caregiver (Unified) home study.
12. Eligibility for the subsidy request must be determined.
13. Service Type is changed to "Adoption" with a placement setting of "pre-adoptive home."
14. Removal/Placement Ending with Ending Purpose of "Discharge from Removal Episode"

PowerPoint Slides

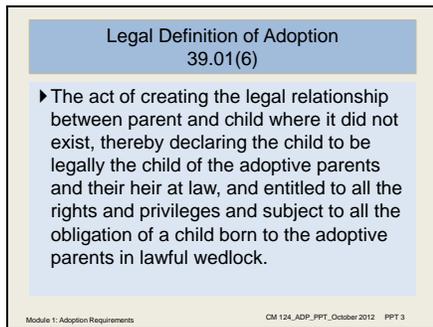
Slide 1



Slide 2



Slide 3



Slide 4

Child Welfare League of America (CWLA) Values



- Rights of the child
- Importance of family life
- Preservation of the biological family
- Social responsibility for children

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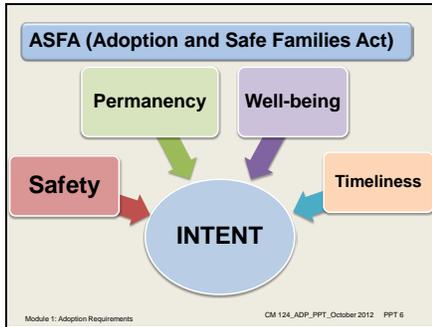
CWLA Standards



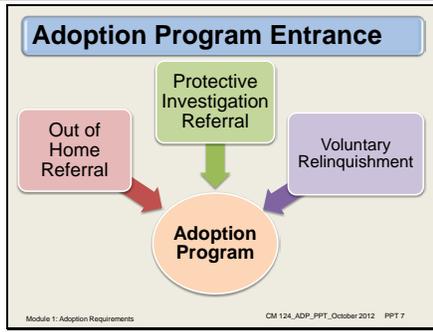
- Respect & preserve the birth family.
- Family life is necessary for child's growth.
- Public's responsibility to provide healthy family life when a child's birth family cannot be preserved.

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Slide 8

F.S. 63.022

Basic Safeguards:

Minor is legally free for adoption; all adoptions are handled under law	Required persons consent to the adoption or parental rights are terminated by the court	Required social study reports are completed and considered by the Court
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F.S. 63.022

Sufficient time has past since the child has lived in the proposed adoptive home under the adoption entity's guidance.

All expenditures are reported to the court (adoption entities or adoptive).

The child's and parents social and medical information is provided.

A new birth certificate is issued after entry of the adoption judgment.

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F.S. 63.022

The court may order temporary substitute care if it decides that the child is in an unsuitable home.

Records of all proceedings concerning custody and adoption are confidential.

Parties receive the necessary guidance, counseling and supervision.

The child's best interests must be promoted and protected.

Continued post adoption communication/contact among siblings may be ordered by the court if in the best interests of the children.

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Access to Reports and Records of Child Abuse (excluding reporter information) F.S. 39.202(2)

Foster parents with approved home study (if being considered for placement)

Designee of a licensed residential group home

Approved relative or non-relative with whom the child is placed

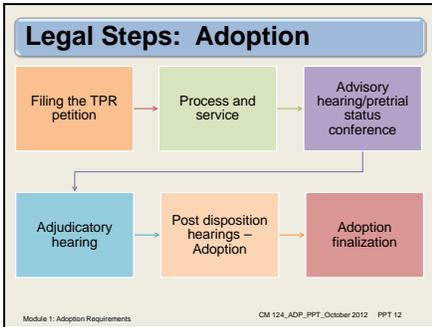
Pre-adoptive parents with favorable preliminary adoptive home study and adoption entity acting on their behalf

Adoptive parents

An adoption entity acting on behalf of pre-adoptive or adoptive parents

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Module 2: The Adoption Process



Objectives

- Summarize the adoption process.
- Examine the components of a child study & an adoptive home study.
- Identify confidentiality requirements for adoption records.

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