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Definition	
STATEMENT OF PHILOSOPHY "Adoption is the method provided by law to establish the legal relationship of parent and child between persons who are not so related by birth, with the same mutual rights and obligations that exist between children and their birth parent."1 The primary purpose of adoption is to help children whose parents are incapable of assuming or continuing parental responsibilities to legally become part of a new permanent family. Adoption agencies are charged with establishing permanence for children, therefore, if adoption agencies in the state are to render the best possible services, each staff member must understand Systems Of Care (SOC) principles and have the conviction that an appropriate home can be found for any child who needs to be adopted and that the agency is responsible for enabling this. To accomplish this goal, agencies must provide for the diligent recruitment of potential adoptive families that reflect the ethnic and racial diversity of children in the state for whom adoptive homes are needed. The agencies must provide prospective adoptive parents equitable access to the preparation and assessment process. The selection of a family must focus on the needs of the child being placed, while recognizing that each child and family will have individual strengths. To be successful placement services must include assistance to the child and the adoptive family in the process of their integration as a new family. **GOALS OF ADOPTION SERVICES** Goals of Adoption Services are to: • Ensure timely permanence for children through legal adoption; • Ensure that each child, regardless of race, age, ethnicity or handicapping condition, has an opportunity for placement in a permanent family; • Prepare and assist children in their transition to an adoptive family. • Support and strengthen the adoptive family; • Provide services to all members of the adoption triad; and • Provide post adoption services to optimize family functioning and to prevent dissolution of adoption.	

1 Child Welfare League of America, Standards for Adoption Services, Revised Edition, page 11.

Introduction

Definition	
Please refer to Attachment G, Adoption Definitions.	
LEGAL BASE STATE LAWS **N.C.G.S. § Chapter 48** Chapter 48 was written to establish a clear judicial process for adoption, to promote the integrity and finality of adoptions, to encourage prompt, conclusive disposition of adoption proceedings, and to structure services to adoptive children, biological parents, and adoptive parents that will provide for the needs and protect the interest of all parties to an adoption, particularly adopted minors. **N.C.G.S. § 108A-14 (6); N.C.G.S. § 131D-10.1 et. seq.** N.C.G.S. §108A-14 (6) and N.C.G.S. § 131D-10.1 et. seq**.** provide that county departments of social services, or their agents, are authorized to investigate cases for adoption and to supervise adoptive placements. **N.C.G.S. § 131D-10.1 et. seq.** N.C.G.S. § 131D-10.1 et. seq. assigns the authority to protect the health, safety and well-being of children separated from or being cared for away from their families. **N.C.G.S. § 110-57.1 et. seq. N.C. G.S. § 7B 3800-3806** N.C.G.S. § 7B-3800-3806 provides guidelines for the interstate placement of children for adoption governed by the Interstate Compact on the Placement of Children, **N.C.G.S. § 108A-49; and N.C.G.S. §108A-50** N.C.G.S. § 108A-49 and N.C.G.S. § 108A-50 provides guidance for adoption assistance for certain eligible children. **NORTH CAROLINA ADMINISTRATIVE CODES** **10A NCAC 70C Interstate Laws** Provides guidelines for the placement of children across state lines.	

10A NCAC 70H Child-Placing Agencies: Adoption Provides guidelines for the organization and operation of an adoption child-placing agency.

10A NCAC 70M Adoption Standards
Establishes adoption standards for county departments of social services in providing mandated adoption services.

FEDERAL LAWS

PL. 96-272 -- Adoption Assistance and Child Welfare Act of 1980
This federal law establishes the Title IV-E adoption assistance program which provides matching funds to States operating a program of adoption assistance benefits for parent(s) who adopt children with special needs who were either eligible for Aid to Families with Dependent Children (AFDC) or Supplemental Security Income (SSI).

PL. 99-514 -- Non Recurring Adoption Act (Tax Reform Act of 1986)
This federal law states that States are required to reimburse parents for "reasonable and necessary adoption fees, court costs, attorney fees, and other expenses" which are directly related to the legal adoption of a child with special needs.

PL. 103-382 Part E -- Multiethnic Placement Act (MEPA) of 1994) and the Interethnic Provisions (IEP) of 1996 This federal law, as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996, attempts to reduce the length of time children wait for adoptive placements and to ensure that no individual is denied the opportunity to become an adoptive or foster parent solely on the basis of race, color or national origin. It also facilitates the identification and recruitment of foster/adoptive families that reflect the racial and ethnic diversity of waiting children.

PL. 95-608 -- Indian Child Welfare Act
This federal law sets requirements that apply to state child custody proceedings involving an Indian child who is a member of or eligible for membership in a federally recognized tribe.
PL. 104-188 Adoption Promotion and Stability Act This federal law provides a non-refundable tax credit for people who adopt children and a non-refundable credit to those who adopt children with special needs.

PL 106-395 Child Citizenship Act of 2000

Introduction

Definition	
This federal law amends the Immigration and Nationality Act to permit foreign-born citizens (including adopted children) to acquire citizenship automatically if they meet certain requirements. **P.L. 105-89 Adoption and Safe Families Act** This federal law provides that Title IV-E adoption assistance eligible children retain their eligibility for such assistance in a subsequent adoption if the adoptive parent(s) die or the adoption dissolves with a termination of parental rights and the child remains a child with special needs. It also requires the States to conduct a criminal record check on prospective adoptive parents(s) of children who would receive Title IV-E adoption assistance **P.L. 106-169 The Foster Care Independence Act of 1999** This federal law increases the AFDC resource limit from $1,000 to $10,000 for Title IV-E foster care and Title IV-E adoption assistance eligibility purposes. **P.L. 109-171 The Deficit Reduction Act of 2005** This federal law clarifies that for Title IV-E adoption assistance, a child must meet the July 16, 1996 State AFDC eligibility criteria in the specified relative's home from which s/he is removed. This legislation also eliminates the requirements that a child had to be AFDC eligible at the time of the initiation of the adoption proceedings. **P.L. 109-248 The Adam Walsh Child Protection and Safety Act of 2006** This federal law requires fingerprint-based background checks for prospective adoptive parent(s) and, in all cases, prohibits the State from claiming Title IV-E adoption assistance if the prospective adoptive parent(s) have certain felony convictions. This legislation further requires child abuse and neglect registry check in each State where each of the adults in the prospective adoptive home has lived in the past five years. **P.L. 104-193 The Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRWORA)** This law limits Federal public benefits to qualified aliens. PRWORA requires a qualified alien entering the United States on or after the date of enactment of PRWORA (August 22, 1996), unless excepted, to live in the United States for five years before becoming eligible for certain Federal public benefits. In accordance with section 403(c)(2)(F) of PRWORA, however, Federal payments for adoption assistance are excluded from this five-year residency requirement if the child and the foster or adoptive parent(s) with whom s/he is placed are qualified aliens.	

Definition
The North Carolina Social Services Commission adopted the following rules and established standards for adoption. County departments of social services shall deliver adoption services in accordance with the following rules and SOC principles.

Protocol – What you must do	Guidance – How you should do it
ORGANIZATION AND ADMINISTRATION **PROGRAM MANAGEMENT** • The agency shall have current information available for prospective adoptive families describing the strengths and needs of children needing placement and procedures for referring families they are unable to serve to other placement resources. • The agency will have a recruitment plan that reflects the ethnic and racial diversity of children in need of foster and adoptive homes. Minimally, the plan and its implementation shall reflect the requirements of the Multiethnic Placement Act of 1994, as amended by the Interethnic Adoption Provisions of the Small Business Job Protection Act of 1996. • The agency shall have a written protocol and procedure to respond to adoption placement disruption/dissolution. The agency shall track and record the number of, and reasons for, disruptions/dissolutions. • The agency shall provide or assist the adoptive family in accessing post adoption services to maintain placement and prevent dissolution of an adoption. • Adoption dissolutions shall be managed with emphasis placed on the child's needs, and relinquishments accepted only when there is a new plan of permanent placement for the child. • The agency shall keep current statistics that would reflect adoption outcomes. These statistics shall include numbers of children available for adoption, the length of time these children wait to be adopted, and the incidents of disruption and dissolution.	

Social Work Standards

CASELOAD

A case may be defined as any one of the following:

- An expectant parent or parents receiving problem pregnancy services from the agency prior to the child's birth and release for adoption;
- Birth parents receiving services from the agency following release of the child for adoption;
- A child or sibling group to be placed together who have been referred to the agency for adoptive placement from another authorized child-placing agency and for whom an adoptive home is being sought or considered;
- A child or siblings, together with birth parents, for as long as the legal parent/child relationship exists;
- A child or siblings for whom the goals for adoption are the same, following release for adoption;
- A single person or married couple applying for or licensed to provide foster care for children relinquished for adoption to the agency;
- A single person or married couple in the process of or having completed an assessment for adoptive placement of a child or children;
- A child or sibling group and adoptive parents after placement occurs and during the period prior to entry of the Decree of Adoption; and

- Birth parents, or adoptive parents and adopted child, or adopted child, or adult adoptee following entry of the Decree of Adoption.
- The adoptive assessment of North Carolina residents with whom an out of state agency may want to place a child.
- Services provided to an adoptive family who has moved to North Carolina before completion of the legal process.
- The legal and social work services provided in relative and independent adoptions.

SERVICES TO PERSONS INVOLVED WITH ADOPTIONS

SERVICES TO BIRTH PARENTS OR LEGAL GUARDIANS

Protocol – What you must do	Guidance – How you should do it
SOC and MRS principles emphasize that every individual has strengths and has the right to be heard without judgments being made. Therefore, the agency shall help those parents reaching the decision to relinquish their child to the agency for adoptive placement have a thorough understanding of the meaning of adoption and its impact on the child's and their lives. The following requirements are those set forth in the N.C. Administrative Rules in 10A NCAC 70H .0403. A parent or guardian may relinquish all parental rights or guardianship powers, including the right to consent for adoption, to an agency (refer to N.C.G.S. § 48-3701-706). The agency shall ascertain that the parent has a thorough understanding of the effects of this action and of the time period allowed for revocation of the Relinquishment. When the agency has received the parent's or guardian's relinquishments, the agency must indicate acceptance of the relinquishment by signing a statement of willingness to accept. The individual executing the relinquishment must be offered an unsigned copy of the relinquishment; be advised that counseling services are available through the agency to which the relinquishment is given; and be advised of the right to employ independent legal counsel. **SERVICES TO THE CHILD** SOC and MRS principles encourage the involvement of children in decision making, when appropriate. Children should have the opportunity to have a permanent home through adoption if they cannot return home, regardless of age, religion, racial or ethnic group identification, nationality, residence or handicap. The child's statement should not be the sole determinant of the decision to plan for adoption. It is important to address issues the child may have concerning adoption. Services to the child shall be documented on the Adoption Services to the Child Checklist See Attachment B (agency may elect to utilize this tool or create a tool that covers the recommended content). • When adoption is the plan for the child, the agency must develop a child's specific written strategy for recruitment of an adoptive home, unless a family has clearly been identified. The written strategy shall	

Protocol – What you must do	Guidance – How you should do it
be developed within 30 days of adoption becoming the permanent plan This should be documented on Out of Home Family Services Agreement (DSS-5240) or may be a separate document. • The child's worker shall prepare a written Child Pre Adoptive Summary of the child which will form the basis of the child's record. See Attachment D (agency may elect to utilize this tool or create a tool that covers the recommended content). • Within 30 days from the time a child has been cleared for adoption, the agency shall assess the child's eligibility for Adoption Assistance. This may occur before an adoptive family has been identified and shall not be based on the income of the prospective adoptive parent. The eligibility must be reflected on the (Adoption Assistance Eligibility Checklist) DSS Form 5012. • Services related to the placement of the child are of paramount importance. Placement for the child will be based on the needs and attachments of each child and on the strengths and needs of the prospective family. The child's worker shall prepare the child for the adoptive placement taking into account the child's language and developmental level. The preparation of the life book with the child is a critical tool for helping a child with the adoption process. The child shall be helped to understand the reason that adoption is the plan as well as to understand the adoption process. • Other issues related to placement which are important to consider are: When a child becomes legally free for adoption, the agency shall give priority to the child's placement provider (relative, court approved non-relative, foster family) who is willing and able to adopt the child unless there is documentation that it is not in the child's best interest. If such a plan is not implemented, the agency shall give priority to other relatives/kin who have been assessed and are determined to be an appropriate resource for the child **Placement with Foster Parents** Prior to initiation of ~~a~~ general or specific adoptive home recruitment for a child, the agency should determine if there are placement options that would enable the child to remain in a familiar environment. If interested in adopting the child, foster parents and relatives should be assessed as adoptive resources for the child. All such assessments must focus on the child's needs and on the applicants' capacities to meet the	

Protocol – What you must do	Guidance – How you should do it
child's needs. If the child is already living in the home of the applicants, strong consideration should be given to placement with these persons, taking into account the length of time the child has been in the home, the depth and degree of bonding that has occurred, and the child's ability to move from the home and form satisfactory attachments in another home and with another family. **Unless it can be clearly documented that placement with the current caretakers is contrary to the child's welfare and best interests, this should be the first consideration for adoption.** **Legal Risk Placements** A legal risk placement is a placement that occurs when the agency believes that adoption is in the best interest of the child; that the child is placed in an approved adoptive home; and the agency intends to approve this placement for adoption if the child becomes legally free for adoption. The agency shall have a written policy stating that pre-adoptive legal risk placements may be considered when in the child's best interests. Barriers and legal constraints must be discussed with the potential adoptive parents. Until the child is legally free for adoption, all requirements of foster care, including licensure, shall be followed unless a court order sanctions the placement. A child in the legal custody of a county department of social services for whom it has been determined that adoption is the most suitable permanency plan and who is in the process of being freed for adoption may be placed in an approved adoptive home with the understanding that if the child becomes legally free for adoption, the child will be adopted by this family. **Legal Risk Placement Guidelines** A child may be placed in a legal risk placement when: • the child is the subject of a Termination of Parental Rights • Order that is under appeal; or • there is an approval of legal risk placement by the Adoption Committee; or • one parent has consented to adoption and the other parent's identity and/or whereabouts is not known; or	In cases when adoption is the plan, the agency should seek relinquishments from the birth parents or legal guardian or a petition for termination of parental rights shall be filed within 60 days of the agency's decision that the goal is adoption.

Protocol – What you must do	Guidance – How you should do it
• the birth family abandoned the child. The prospective adoptive parent: • has an approved preplacement assessment; • meets foster care licensure standards or has court approval for placement with legal risk parents; • has been informed of the legal status of the child and understands that the child is currently not free for adoption and there is a risk that the child may not become free for adoption; • has signed the Information Sharing Acknowledgement (DSS-5246) ; and agrees to sign and abide by the conditions of the Legal Risk Placement Agreement. (DSS5304) The purpose of legal risk placement is to move the child into a permanent home as soon as possible without jeopardizing the legal or social well-being of the child. Since, in making a legal risk placement, the agency does not yet have authority to consent to the child's adoption, the home in which the child is to be placed must be licensed as a foster home or approved by a court order. **Placement of Siblings** Please see Siblings in Cross Function Topics. **Placement for Children with Special Needs** Please see Placement Decision Making in Permanency Planning. **SERVICES TO ADOPTIVE RESOURCE PERSONS** The agency shall have a written policy that the agency discusses with and provides to prospective adoptive and foster parents in reference to rights, responsibilities and procedures, including licensure and Adoption Assistance. At a minimum, the information shall outline descriptions of the children needing placement, the availability of Adoption Assistance, the compensation package for children needing placement, the procedure for requesting and receiving post-adoptive services, and referral procedures to other child-placing agencies for families they are unable to serve.	

Social Work Standards

Protocol – What you must do	Guidance – How you should do it
Services to adoptive resources starts with an appropriate recruitment plan and continues on with an Adoption Services Application. See Attachment A (agency may elect to utilize this tool or create a tool that covers the recommended content). **Recruitment** The agency shall have a written plan for ongoing recruitment of adoptive families for the children it places that complies with MEPA/IEP and is approved by the Division of Social Services. The plan must include resources to be used, time-related goals for applicant recruitment, and any limitations or restrictions that may be inherent to its program. The plan must indicate designated staff and funding sources for implementation of the plan. Agencies shall have a plan which actively recruits homes of the same race or ethnic category as that of the children it services. **Adoptive Home Preparation and Selection** The preferred method for developing an adoptive resource is Group Preparation and Selection of adoptive families (MAPP/GPS). • Group preparation and selection provides the structure for prospective adoptive families to make decisions about their ability, willingness and readiness to participate in the adoption program. • Group preparation and selection provides an opportunity for families to identify both their strengths and needs for adopting. Once needs are identified, agency staff and the families work together to develop strategies to meet those needs. • This model provides tools for social workers and prospective adoptive parents to mutually assess the parents' abilities and readiness for adoption. These tools include the family profile (summary and assessment), family consultations, strengths/needs assessment, criteria for mutual selection, partnership and professional development plans. The pre-placement assessment is the total collection of information designed to document and consolidate the entire preparation and selection process for each adoptive family. Through the implementation of SOC	

Protocol – What you must do	Guidance – How you should do it
Principles, the information in the preplacement assessment shall be developed mutually with the prospective adoptive family. As part of an assessment and mutual selection process, the agency is required by law to include in the pre-placement assessment the information outlined in: (N.C.G.S. § 48-3-303; 10A NCAC 70H .0405 See Attachment C (agency may elect to utilize this tool or create a tool that covers the recommended content). When an adoptive Preplacement Assessment, adoptive Preplacement Assessment Update, and a Report on Proposed Adoption are conducted, the following must be addressed and documented. • Interviews with biological and/or adoptive children in the home. Interviews should assess the relationship of these biological/adoptive children to the parents. Assessment should gather information that allows the assessor to determine the support and integration these children have received in the home. (i.e. are medical, therapeutic, educational and socialization needs met.) • Interviews with biological children/adoptive children should also address their relationship, acceptance and integration with prospective adoptee. • Any parenting issues that were noted in initial preplacement assessment and any others that may have surfaced during placement of child in the home and efforts parents and/or agency have made to resolve concerns. • Discipline techniques employed to address any behavior issues and why appropriate for particular child. • Have the prospective adoptive parents state in writing that they are not the subjects of any CPS Assessment and that they will notify the agency if that occurs prior to the entry of the final decree. Whenever a family that has adopted previously is being considered for additional adoptive placements, the Preplacement Assessment Update must be thorough and must address all of the changes that have occurred since the earlier adoption was completed. Changes	

Protocol – What you must do	Guidance – How you should do it
in family dynamics, family inter-relationships, and family responsibilities must be addressed. The agency preparing the preplacement assessment may redact from the preplacement assessment provided to a placing parent or a guardian detailed information reflecting the prospective adoptive parent's financial account balances and detailed information about the prospective adoptive parent's extended family members, including surnames, names of employers, names of schools attended, social security numbers, telephone numbers and addresses and other similarly detailed information about extended family members. When required information is not reasonably available, the preplacement assessment shall state why it is unavailable. The pre-placement assessment shall be prepared and typed and presented to the adoptive applicants for review. If, for any reason, the applicant is not accepted by the agency as a potential adoptive parent, the agency shall share with them in writing the reason a child cannot be placed with them and they shall have the right to have their summary reviewed by the agency. During the preparatory phase of approval, each prospective adoptive parent will be provided a handbook that outlines relevant agency policies and procedures. The agency is required to provide the family with a copy of the preplacement assessment. Each agency shall have a procedure for allowing an individual who has received an unfavorable preplacement assessment to have the assessment reviewed by the agency. (N.C.G.S. § 48-3-305) **The applicants must be provided in writing with notice of the agency's decision regarding approval or denial of approval for adoption within thirty days after the study is completed. (NCAC 70H .0406)** A pre-placement assessment may be denied (N.C.G.S. § 48-3-308) for reasons that include: • Substantiated child abuse or neglect report, unless the evaluation of the abuse/ neglect determines that it does not warrant denial.	

Social Work Standards

Protocol – What you must do	Guidance – How you should do it

• Criminal conviction, unless evaluation of the crime determines that it does not warrant denial.
 	
• Documented concerns in one or more of the following areas:
  • motivation to adopt
  • child-rearing ability and practices
  • emotional stability
  • physical and mental health
  • interpersonal relationship
  • finances
  • marital relationship
  • domestic violence
  • safety
  • Substance abuse. Substance abuse or abuse that prevents the family from adequately caring for the child.
  • Failure to cooperate. If the individual or family fails to cooperate in providing information needed to complete the pre-placement assessment.
 	
Pre-placement Assessment updates are required if the preplacement assessment was prepared more than 18 months prior to the adoptive placement. A family who has not had an update to their pre-placement assessment in the last 18 months is not considered approved for placement.
 	
The components of the adoptive pre-placement assessment update shall include the following activities:
• Criminal Record Check -- A criminal record check must be conducted for every adult member in the prospective adoptive family household.
• Face to Face Visit -- At least one face to face visit shall be conducted with the approved adoptive family.
• Reassessment -- The reassessment of the adoptive family shall include a recommendation of whether the family continues to be approved for adoption or is disapproved. The update shall also include any changes in the characteristics of a child acceptable to the family.	

Protocol – What you must do	Guidance – How you should do it
• Pre-placement Assessment Update Reports -- After visits with the adoptive family are completed prepare a written report of the reassessment of the information in the approved pre-placement assessment. The current updated and previous updates of the pre-placement assessment shall be attached to the original pre-placement assessment, signed, dated and certified by the agency. (See Certification of Adoption Pre-placement Assessment, Attachment C). A copy of the pre-placement assessment shall be provided to the family with the notification of approval or denial. If the family is denied, the reason for the denial shall be stated in the pre-placement assessment update report. Placement • Adoption Committee The adoption committee may have several purposes. One is to confirm the adoptive placement with caregivers with whom the child presently resides or adoption by a family already selected with whom the child has significant attachments. Another purpose is the selection of an adoptive home for a child from among those families who have shown an interest in adopting the child. **There is no need to delay a committee meeting until there are several families to consider for a child's placement as long as at least one family has been identified**. The Agency Adoption Committee shall be composed of a minimum of three persons, including a person from the agency in a management position in children's services, the child's social worker(s) responsible for the placement and adoption functions of the child's case, and any other person required by law. The guardian ad litem will be invited to provide input, but shall not vote on the decision. • Criteria **for Selection of a Family for a Particular Child** The following criteria should be used: • The family's ability to meet the physical, emotional, and mental needs of the child;	

Protocol – What you must do	Guidance – How you should do it
• The compatibility between the child's personal characteristics and the expectations of all members of the adoptive family; • The specific experiences and/or training the family has had that prepares them to provide for the special needs the child may have; • The resources in the family's community that are available to meet the child's special needs; • The degree to which the family is willing to initiate and participate in medical and/or therapeutic treatment, if the child is in need; and • The degree to which the family can accept the child's need for contact with siblings, other birth family members, and/or foster family, if such need is indicated. **Placement Process** **Sharing Information** Prior to the adoptive placement the adoption agency must meet with prospective adoptive parents for the purpose of sharing all available information on the child. DSS-5246 (Information Sharing Acknowledgement) shall be used to document the sharing of information with prospective adoptive parents by the child placing agency. Any individual or agency placing a child shall compile and provide to the adoptive parent a written document containing the specific information which includes: • date of the birth of the adoptee and his weight at birth; • age of biological parents in years, not dates of birth, at birth of the adoptee;	

Protocol – What you must do	Guidance – How you should do it
• heritage of biological parents which shall consist of nationality, ethnic background, and race; • education, which shall be the number of years of school completed by the biological parents at the time of birth of the adoptee; • general physical appearance of the biological parents at the time of birth of the adoptee in terms of height, weight, color of hair, eyes, and skin. • the results of any health, educational, or psychological evaluations completed on the child. Identifying information regarding the child or birth family should be redacted. • The health and genetic history of the child, including an account of the child's prenatal care; medical condition at birth; any drug or medication taken by the child's mother during pregnancy; any subsequent medical, psychiatric, or dental examination and diagnosis; any psychological evaluation done when the child was in the custody of the agency; any neglect or physical, sexual, or emotional abuse suffered by the child; and a record of any immunization and health record the child received while in care. The health and genetic history of the child's biological parents and other members of the child's family, including any known heredity condition or disease; the health of each parent at the child's birth; a summary of the findings of any medical, psychological, or psychiatric evaluation of each parent at the time of placement; and if a parent is deceased, the cause of and the age of death. In addition, any other reasonably available non-identifying information about the minor that is relevant to the adoption decision and to the minor's development and well-being, must also be shared. Health related information about the child and his biological family must also be shared, including present state of physical and mental health, health and genetic histories and any history of emotional, physical, sexual or substance abuse.	

Protocol – What you must do	Guidance – How you should do it
Providing sufficient information about the child to the prospective adoptive parents for them to be able to decide whether he and they are right for each other is important to give prospective adoptive parents time to reexamine their feelings about adoption as a means of having a family or enlarging the one they already have. DSS-5246 (Information Sharing Acknowledgement) Form must be signed at the time the child is legally free for adoption and the prospective adoptive parent(s) have made a firm decision to proceed with adoption. If additional information is obtained during the adoption supervisory period, it shall be added to the list, initialed by the social worker and the adoptive parent(s) and dated. The original signed copy remains in the case file and a copy is given to the adoptive parent(s). The possibility and availability for adoption subsidy for the child being considered shall be discussed with the adoptive parents. **Arranging Pre-placement Visits** All parties, including the foster parents, the adopting parents, the child, and the child's social worker are involved in planning the pre-placement visits. Visits should take into consideration the needs of each particular child. Pre-placement and placement plans should be well-thought out and outlined so that the child, his worker, the prospective adoptive parents and their social worker, and the child's foster parents know what is being planned and the general timing of the various visits. When an agency is considering an out-of-state adoptive placement for a child in its care, the agency must take steps to initiate a request for approval for placement under the Interstate Compact on the Placement of Children before the visiting process begins. **Placement**	

Social Work Standards

Protocol – What you must do	Guidance – How you should do it
During the pre-placement visitation period a mutual decision about the actual placement date will be made with the adoptive family and the agency. In preparation for this placement, date arrangements should be made for the child's school and health records to be forwarded, for therapy to be arranged if indicated and for the actual move to take place. When a child is placed in an adoptive home there shall be face to face contact within the first week of the adoptive placement and at least monthly face to face contacts with both the child and the adoptive parents until finalization of the adoption, or documentation shall reflect diligent efforts made to have contact or the rationale for less frequent contact. Documentation in the adoptive family case record shall describe: • A mutual assessment; • Ongoing agency contacts; • Adjustment of the child and the family with the placement; • Service needs and services provided; and • Be prompt and current within seven days. The adoption assistance agreement should be discussed with the adoptive parents. If the family chooses to receive adoption assistance, an adoption assistance agreement should be prepared. Adoption assistance may start the first month after the issuance of the Decree of Adoption. **Post-Placement Services** Post-placement services are services that are provided after the child's placement with his adoptive family, but before the Decree of Adoption is issued. Post-placement services include both direct and indirect services provided to the adoptive child and family. The goal of these services is to facilitate the integration of the child and family and the resolution of problems that they may encounter. When a child is placed in an adoptive home, face-to-face contact shall be made at least once within the first week of placement and then at least monthly with the adoptive parents and the child by the family's social worker.	

Social Work Standards

Protocol – What you must do	Guidance – How you should do it
The purpose of the visit shall be for regular and ongoing support, monitoring, and/or counseling of the family and to document the progress of the placement. **When Adoptive Families Move** If the adoptive family moves to another county, state, or country before the Decree of Adoption is entered, the agency having placement authority for the child is responsible for requesting continuing casework services and supervision from a social agency serving the adoptive family's new place of residence, using appropriate interstate procedures. In such cases, it is essential that the Petition for Adoption be filed prior to the family's move. Otherwise, there may be a considerable delay in their being able to file an adoption petition in their new state of residence, and they may be questioned as to their rights to obtain school admission, medical services, etc., on behalf of the child. If the move occurs within North Carolina, the supervising agency should correspond directly with the adoptive family's new county department of social services to request the needed services. Along with a cover letter to explain the basis for the request, the adoptive home assessment, the child's pre-adoptive summary, and other pertinent information should be sent. **Adoption Disruption and Dissolution** The decision to remove a child from an adoptive placement prior to finalization should be made with the same seriousness and forethought that was given to removing a child from his birth family**. The agency shall have a written protocol and procedure to respond to adoption placement disruption/dissolution. The agency shall track and record the number of, and reasons for, disruptions/dissolutions.** An adoption disruption occurs prior to the Decree of Adoption. Adoption dissolution occurs after the Decree of Adoption has been entered. Obviously, dissolution has more serious implications since not only is a placement ending, but the legal rights of the child and responsibilities of the adoptive parents must be addressed.	

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A disruption or dissolution decision must be made with the focus on the best interest of the child. Services provided to the child should include counseling to help the child understand the reason the adoption ended and express feelings about the disruption/dissolution, and assess the child's readiness for another placement. For more on what to do when multiple counties become involved with a child who is legally free for adoption, refer to "Jurisdiction" in Cross Function Topics. **Adoption Disruption** Adoption disruption is a term used to describe the interruption of an adoptive placement after actual placement of a child with the adoptive family but before finalization of the legal adoption process. Recognizing that disruptions are a possible occurrence in any adoption, families should be made aware that this could happen. A positive communication process between the family and the agency will facilitate any discussion of a pending disruption and aid in mutual planning if this should occur. The social worker should immediately begin to assess the type of placement that will be necessary for the child should the disruption actually occur and prepare to provide assistance to both the family and the child in dealing with the possibilities around disruption. The decision to stop the adoption process should be mutual, that is, arrived at between the parents and worker and, when feasible, the child. The decision must be made slowly and carefully, only after all alternatives and resources have been tried. Families considering disruption are distressed and in crisis and are likely to have difficulty in evaluating the situation objectively and in sorting out issues. The worker can offer assistance with both. Families need support during and after disruption, including help in processing their feelings. They are faced with how and when to inform the adoptive child, other children in the home, extended families and friends about the pending disruption. Support should be given by the worker to alleviate feelings of guilt, anger, depression, and rejection. Families should not necessarily be excluded from future consideration as adoptive parents because of a disrupted placement. Specific steps workers can take to help the family through disruption include: • Respond to the family's request for assistance;	

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• Maintain open communication with the family; • Help parents discuss disruption openly with the child; • Negotiate an agreeable plan of action with the family and the child; • Discourage the family from blaming anyone, including themselves; • Review with the family the progress the child has made while in their care; • Recognize the family for their efforts, time, concern, and love for the child; • Help the family with their grief at the loss of their adoptive child; • Educate families to the importance of their attitudes toward a child during disruption; and • Help the disrupting family understand the importance of their support and preparation of the child as he moves to another family and of their responsibility to send the child on with all of his belongings, including additions of photographs, etc. depicting the time he lived with them. The child in a disruptive situation needs understanding, emotional support, and permission to grieve. The child needs to be assured that the agency will continue to plan for him and to assure him that he will be taken care of. Specific steps workers can take to help the child through disruption are as follows: • Discuss with the child in words that he can understand that this placement is not working;	

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• Help the parents and the child discuss disruption together; • Help the child recognize and cope with his reactions and feelings and to express them appropriately; • Help the child with the loss of his family; • Help the child complete a section in his Life Book dealing with this placement and its disruption; • Assure the child of continued adult interest and caring; and • Carefully plan for the next placement so that the child's needs are the primary consideration. In an adoption disruption, the original placing agency retains legal custody and has the responsibility for ensuring that the adoption petition is dismissed, so that physical custody no longer rests with the adoptive parents. N.C.G.S. §48-3-502 provides that the placing agency may petition the clerk to dismiss the adoption and restore full legal and physical custody to the agency. In many cases the adoptive parents will voluntarily dismiss their petition without the need for agency action. That agency is then responsible for the child's future placements. In the event an adoption disrupts, the placing agency shall notify the clerk within 30 days of the child's return to foster care to calendar the case for a review of the agency's plan for the child under N.C.G.S.§7B-909(b). Immediate planning for another permanent placement for the child should begin when the child returns to the agency's custody. If the agency's right to place the child was based on a designated relinquishment, rather than a general relinquishment, AND the parents chose the option on the DSS-1804 form to be given notice if the adoption cannot be completed, then the parents must be notified that the adoption will not be completed and they have an additional ten days in which to revoke. If the parents cannot be located after the disruption, but	

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they requested notice if the adoption could not be completed, the agency must notify them by registered mail to the address given in the relinquishment. Their ten day revocation period begins to run after the notice has been delivered or the date of last attempted delivery (N.C.G.S.§48-3-704). If the parents do not revoke a designated relinquishment within the ten days, the relinquishment becomes a general one, and the agency can make an adoptive placement of its choice. **Adoption Dissolution** Adoption dissolution is a term used to describe the interruption of an adoptive placement after the legal process has been completed and the adoption is finalized. Obviously, this is a much more serious occurrence than a disruption since not only is a placement ending, but the legal rights of the child and responsibilities of the adoptive parents must be addressed. The department of social services in the county where the family resides is the agency responsible for assisting the family when dissolution becomes a possibility. This is true even if this was not the agency that placed the child nor the agency that supervised the placement. A dissolution decision must be made with the focus on the best interest of the child. The agency that originally placed the child should be contacted as quickly as possible as a resource for information about the child's background needs, family of origin, including the current status. They may also be a possible placement resource if return to the original county would meet the child's needs for reconnecting to the family of origin, siblings or past foster parents. A relinquishment should be considered only when it has been determined that it is in the child's best interest. At no time should a relinquishment be accepted from adoptive parents simply because this is the plan they make to remove their legal responsibilities. If the family requests to relinquish, this should be considered only when the child could be placed with another adoptive family or appropriately returned to a family with whom the child has past attachments. Problems in the adoptive home should be evaluated in light of the family's issues as well as the needs and behaviors of the child. Consideration should be given to the possibility that the child may live elsewhere--perhaps, in a therapeutic environment-- and still remain a member of the adoptive family.	

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The adoptive family should be encouraged, supported and assessed in getting services that will enable them to continue to parent their child. While recognizing that the family is often not the "cause" of the child's problems or behaviors, the agency must view the family as the best resource for this child unless there exists a child protective services related risk. When a child continues as a family member but does not reside in the family home, adoption assistance benefits can continue as long as the adoptive parents retain legal or financial responsibility. In an adoption dissolution, the agency that originally placed the child should be contacted for assistance with the gathering of information, plans for the best possible placement for the child, and plans regarding adoption assistance benefits. While the previous agency is not responsible for the placement of the child in an adoption dissolution if the child no longer lives in that county, it is important for each agency to work together to assure that the child's needs are being met. SOC tells us that the best way to serve the needs of children and families is for all involved agencies to work cooperatively. If an adoption dissolution appears imminent, the agency involved should consider several options. One option is a Voluntary Placement Agreement (VPA) DSS-1789 (DSS-1789sp) to provide some respite, help the family gain some perspective on the problems, access resources, etc. The filing of a juvenile petition is the next option if the child is being abused, neglected or is dependent. A relinquishment should be considered only when it has been determined that it is in the child's best interest. At no time should a relinquishment be accepted from adoptive parents simply because this is the plan to remove their legal responsibilities. Problems in the adoptive home should be evaluated in light of the family's issues as well as the needs and behaviors of the child. Consideration should be given to the possibility that the child may live elsewhere--perhaps, in a therapeutic environment--and still remain a member of the adoptive family. The adoptive family should be encouraged, supported and assessed in getting services that will enable them to continue to parent their child. While recognizing that the family is often not the cause of the child's problems or behaviors, the agency must view the family as the best resource for this child unless there are child protective services related risks. In such cases, decisions must be	

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based on the findings of the CPS assessment, which includes the safety assessment, risk assessment, and strengths and needs assessment. A relinquishment does not relieve the adoptive parents of the obligation to provide support. The relinquishment, which may be revoked within seven days, places legal and physical custody of the child with the agency, but does not terminate the adoptive parents' rights or their duty to support the child. If child support is ordered, the adoptive parents may use the adoption assistance to pay child support. **(The agency cannot be the payee; therefore, the adoptive parents would cash the check and make payments to the agencies).** If the agency decides not to pursue child support, and the agency determines that the adoptive parents are no longer providing any support to the child, adoption assistance can be terminated. However, before this is done, the adoptive parents must be informed of the appeals process (See Adoption Assistance Appeal in (Appendix 3.6:– Adoption Assistance Funding). **See Cross Function Topics: TPR, juvenile court** In the event of an adoption dissolution, the Department of Social Services may need to pursue termination of parental rights if only one adoptive parent has relinquished the child or if the child has returned to care because of abuse, neglect or dependency. In the former, the Department of Social Services should file a TPR petition, not a TPR motion in the cause, because there is no underlying juvenile action that has been personally served. The relinquishment gives DSS standing to file a TPR petition under N.C.G.S. § 7B-1103(a)(4). If an adoptive child comes back into care because of abuse, neglect or dependency, the procedure to terminate the adoptive parents' rights is the same as for any other parents. The TPR order terminates all rights and obligations of the former adoptive parents with respect to the child, except the child's right to inherit from them continues until an adoption decree is entered. If the child has not been placed for adoption AND an adoption petition has not been filed within six months from the date of the relinquishment or TPR order, the agency should schedule a post-relinquishment/TPR hearing under N.C.G.S. § 7B-908 and N.C.G.S. § 7B-909 to show the court the efforts that are being made toward re-adoption. The Motion for Review form, AOC-J-140, has a block to check for these types of reviews.	

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If the child is adopted by other adoptive parents following a relinquishment, the Decree of Adoption severs the relationship of parent and child between the individual adopted and that individual's previous adoptive parents. After the entry of the Decree of Adoption, the former parents are relieved of all legal duties and obligations due from them to the adoptee, except that a former parent's duty to make past-due payments for child support is not terminated, and the former parents are divested of all rights with respect to the adoptee. The Adoption and Safe Families Act of 1997 includes a provision for adoption assistance when re-adoption occurs. **COMPLETION OF LEGAL RESPONSIBILITIES** During the adoption process the agency will be cooperating with the adoptive parents in the legal adoption procedure. In accordance with provisions of Chapter 48 of the General Statutes, the supervising agency has responsibility for preparing and filing necessary information and confidential reports with the Court of Adoptions. (Refer to the "Legal Guides" section above.) Since adoption is in part a legal procedure, the family should be advised to secure the services of an attorney; however, legal representation is not required by statute, and the adopting parents may file their adoption petition without counsel, if desired. It is the responsibility of the agency to help complete the legal requirements of adoption in response to the Order for a Report to the Court, and when requested by the Court or the attorney, to advise about proper procedures as outlined in this Chapter. **POST-ADOPTION SERVICES** Post adoption services should be made available to every adoptive family, as appropriate, after the Decree of Adoption has been entered. Post-adoption services involve interviewing, counseling, and providing clinical and consultative services for the purpose of ensuring permanence of the placement.	

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Such services may be designed to treat problems that developed before or after the date of the Decree of Adoption. After completion of the adoption, agencies continue to have a moral obligation and a social responsibility for the welfare of the children for whom it originally planned. Post-adoption consultation is not a continuation of supervision. It is an agency service given as needed and requested by any of the parties involved in an adoption.	

Definition

INTRODUCTION

The adoption statute, Chapter 48 of the North Carolina General Statutes, clearly **outlines** the steps to be followed to bring about a valid adoption. Standard forms for legal proceedings have been prepared by the North Carolina Division of Social Services to meet the legal requirements of the adoption statute. These forms are accessible online at http://info.dhhs.state.nc.us/olm/forms/forms.aspx?dc=dss.

The standard forms available:

1.	DSS-1800	Petition for Adoption of a Minor Child (Not Stepparent)
2.	DSS-1801	Agency's Consent to Adoption
3.	DSS-1802	Consent to Adoption by Parent, Guardian Ad Litem or Guardian
4.	DSS-1803	Consent of Child for Adoption
5.	DSS-1804	Relinquishment of Minor for Adoption By Parent or Guardian
6.	DSS-1805	Revocation of Relinquishment for Adoption By Parent or Guardian
7.	DSS-1806	Revocation of Consent to Adoption by Parent, Guardian Ad Litem, or Guardian
8.	DSS-1807	Order for ~~a~~ Report on Proposed Adoption
9.	DSS-1808	Report on Proposed Adoption
10.	DSS-1809	Affidavit of Parentage
11.	DSS-1811	Medical Examination (Optional)
12.	DSS-1814	Decree of Adoption
13.	DSS-1815	Report to Vital Records
14.	DSS-1816	Dismissal of Adoption
15.	DSS-5102	Non-Identifying Background Information
16.	DSS-5103	Adoption Health History, (Parts I and II)
17.	DSS-5118	Denial of Paternity
18.	DSS-5162	Petition for Adoption of a Minor Child (Stepparent)
19.	DSS-5168	Revocation of Child's Consent to Adoption
20.	DSS-5169	Consent of Child for Adoption (Stepparent Adoption)

21.	DSS-5189	Consent to Adoption by Parent Who is Spouse of Stepparent
22.	DSS-5190	Consent to Adoption by Parent Who is Not the Stepparent's Spouse
23.	DSS-5191	Affidavit - Disclosure of Fees & Expenses
24.	DSS-5218	Consent to Release of Identifying Information
25.	DSS-5219	Certificate of Delivery of Pre-placement Assessment

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LEGAL CLEARANCE PROCEEDINGS In agency placements, the agency having placement authority for the child has the responsibility for legally clearing the child and filing the documents with the Clerk of Superior Court directly. In all other placements, it is the adopting parents' attorney's responsibility to legally clear the child and file the documents with the Clerk of Superior Court. **TERMINATION OF PARENTAL RIGHTS** **See Cross Function Topics: TPR, Juvenile Court, Consents and Relinquishments** **Consents and Relinquishments Defined** The adoption statute specifies when there must be a written consent to the child's adoption to protect the child fully and to make the adoption valid. When birth parents or guardians surrender~~s~~ a child to an agency through a Relinquishment of Minor for Adoption by Parent or Guardian and the agency gives consent to the child's adoption, OR when the birth parents or guardians give~~s~~ consent to the adoption of a child directly to the petitioner, then the person executing the consent or relinquishment is not a necessary party to the adoption proceeding and is not entitled to notice unless the petitioner has been informed that the person has moved to set aside the consent or relinquishment for fraud or duress. (N.C.G.S. § 48-2-401; 48-2406) **Relinquishment** "Relinquishment" means the voluntary surrender of a minor to an agency for the purpose of adoption. This term replaces the former "Parent's Release, Surrender, and General Consent." Upon execution of a relinquishment by a parent or guardian in accordance with	

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N.C.G.S.§48-3-701, the agency obtains legal and physical custody of the child. (N.C.G.S.§48-3-705) **Consents** The term "consent to adoption" is used primarily in two instances. A consent means a voluntary surrender of a child for adoption by the parent or guardian in a direct or independent placement. The term "consent" is also used when an agency, which has received a relinquishment from a parent or guardian, consents to the placement of a child in an adoptive home. Further, a child 12 or more years of age must execute a consent for adoption, except that such consent may be waived by the court upon finding that it is not in the child's best interest to require consent (N.C.G.S.§48-3-601 and 48-3-603 [b]). **Persons Whose Consent to Adoption is Required (N.C.G.S.§48-3-601)** 1. The minor to be adopted if 12 or more years of age unless waived by the court as not in the minor's best interest to require consent. (N.C.G.S.§48-3 603 [b][2]). 2. In a direct placement, by: a. The mother of the minor; b. Any man who may or may not be the biological father of the minor but who: • Is or was married to the mother of the child if the child was born during the marriage or within 280 days after the marriage is terminated or the parties have legally separated; • Attempted to marry the mother of the child before the child's birth, and the child is born during the attempted marriage or within 280 days thereafter; • Before the filing of the petition, has legitimated the minor under the law of any state; • Before the filing of the petition, has acknowledged his paternity of the child and; • Is obligated to support the minor under written agreement or by court order; • Has provided in accordance with his ability, reasonable and consistent payments for the support of the mother before or after birth of the child, or the support of the child and has regularly visited or communicated or attempted to do so with the mother and/or child; • After the child's birth but before the child's placement for adoption or mother's relinquishment, has married or attempted to marry the mother of the child. • Before the filing of the petition, has received the minor into his home and openly held out the minor as his biological	

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child; or • Is the adoptive father of the minor. 3. A guardian of the child 4. In an agency placement by: a. The agency that placed the minor for adoption; and b. Each individual described in (b) (2) above who has not relinquished the minor pursuant to Part 7 of Article 3 of this Chapter. **Timing of Relinquishments and Consents (N.C.G.S.§48-3-604 and 48-3-701)** • A man whose consent is required under N.C.G.S.§48-3-601 may execute a consent or relinquishment to adoption either before or after the child is born. • The mother of a child may execute a consent or relinquishment to adoption at any time after the child is born but not sooner. • A guardian of a minor to be adopted may execute a consent or relinquishment to adoption at any time. • An agency licensed by the Division or a county department of social services in this State that places a minor for adoption shall execute its consent no later than 30 days after being served with notice of the adoption. • A minor to be adopted who is 12 years of age or older may execute a consent at any time. • Adoption consents may not be given prior to or within 10 days after birth of an Indian child. **Procedures (N.C.G.S. § 48-3-605 and 48-3-702)** • A consent or relinquishment executed by a parent or guardian or a consent by a minor to be adopted who is 12 years of age or older must be signed and acknowledged under oath before an individual authorized to administer oaths or take acknowledgments. • A parent who has not reached the age of 18 years shall have legal capacity to give consent or relinquishment to adoption and to release that parent's rights in a child, and shall be as fully bound as if the parent had attained 18 years of age. • An individual before whom a consent or relinquishment is signed and acknowledged must now complete a written certification which is found on the back of standard consent and relinquishment forms. • A consent by an agency must be executed by the executive head or another authorized employee and must be signed and	

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acknowledged under oath in the presence of an individual authorized to administer oaths or take acknowledgments. • Each parent or guardian who signs a relinquishment shall be furnished a letter or other writing indicating the agency's willingness to accept that relinquishment if the agency's director or designee is not immediately signing the acceptance page of the relinquishment if the agency's director or designee is not immediately signing the acceptance page of the relinquishment. • Adoption surrenders of Indian children – whether to public or private agencies or in private adoptions - must be in writing and recorded before a family court judge who certifies in writing that the parent or Indian custodian understood the surrender. • Adoption surrenders of Indian children – whether to public or private agencies or in private adoptions - must be in writing and recorded before a family court judge who certifies in writing that the parent or Indian custodian understood the surrender **Mandatory and Optional Provisions** • Mandatory provisions for consents and relinquishments, in accordance with N.C.G.S.§48-3-606 and N.C.G.S.§48-3-703 are incorporated in the standard forms. • The optional provision for relinquishments, set out in N.C.G.S.§48-3704, is also incorporated in the standard form. When a designated relinquishment is executed, the parent may choose to receive notice by the agency if the adoption by the specific prospective adoptive parent, named or described in the relinquishment, will not be completed. If this option is chosen by the parent, the parent may then revoke the relinquishment within 10 days following receipt of the notice. If the parent's whereabouts are unknown at that time, the notice may be sent to the address the parent used in the relinquishment, and the date of receipt is the date of delivery or last attempted delivery. If the parent does not revoke within 10 days, the child may be placed for adoption with adoptive parents selected by the agency. **Revocation (N.C.G.S.§48-3-608 and 48-3-703)** **Revocation Period**	

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For consents and relinquishments, the revocation period is 7 days for any minor, inclusive of weekends and holidays. If the final day of the revocation period falls on a weekend or a North Carolina or a federal holiday, then the revocation period extends to the next business day. For an Indian child-an adoption consent may be revoked at any time for any reason before the final decree is filed, and the child must be returned. A second consent to adoption to the same adoptive parents or a second general relinquishment to an agency or a second designated relinquishment to an agency for placement with the same adoptive parents is irrevocable. In a direct placement, if a pre-placement assessment is required, and placement occurs before the pre-placement assessment is given to the parent or guardian who is placing the minor, then the parent or guardian's time under N.C.G.S.§48-3-608 (a) to revoke any consent previously given shall be either five business days after the date the individual receives the pre-placement assessment or the remainder of 7 day revocation period, whichever is longer. **Procedures** An individual who executes a consent or relinquishment may revoke by giving written notice to the persons specified in the consents or to the agency to which the relinquishment was given. Notice may be given by personal delivery, overnight delivery, or registered or certified mail, return receipt requested. If notice is given by mail, notice is deemed complete when it is deposited in the United States mail, postage prepaid, addressed to the person to whom consent or relinquishment was given at the address specified in the consent, or to the agency at the agency's address as given in the relinquishment. If notice is given by overnight delivery, it is deemed complete on the date it is deposited with the service as shown on the service's receipt, delivery charges paid and addressed to person to whom consent was given at address specified in consent. Therefore, the agency or adoptive parent will need to wait longer than 7 days to insure that no valid revocation is received by certified mail or overnight delivery service. **Consequences** • If a person who has physical custody relinquishes a child to an agency or consents to the adoption of the child by a prospective adoptive parent and thereafter revokes the relinquishment or consent, the agency or prospective adoptive parent shall upon request return the child to that person. The agency or prospective adoptive parent loses any right to legal	

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or physical custody of the child and has no further responsibility for the care and support of the child. • A court in a direct placement shall award reasonable attorney's fees to the person who revoked the consent if the prospective adoptive parent fails upon request to return the child. • A court in an agency placement may award the person who revoked the relinquishment reasonable attorney's fees from a prospective adoptive parent with whom the minor was placed who refuses to return the minor and from the agency if the agency fails to cooperate in securing the minor's return. • If a person who did not have physical custody of the child revokes a relinquishment or consent and this person's relinquishment or consent is required, the adoption cannot proceed until another consent or relinquishment is obtained or parental rights are terminated. The person who revoked the relinquishment or consent is not thereby entitled to physical custody of the child. If the child whose consent is required revokes consent, the county department of social services should be notified for appropriate action. **Challenges to Validity of Consents and Relinquishments (N.C.G.S.§483-609 and 48-3-707)** A consent shall be void if: • Before the entry of the adoption decree, the individual who executed the consent establishes by clear and convincing evidence that it was obtained by fraud or duress; • The prospective adoptive parent and the individual who executed the consent mutually agree in writing to set it aside; • The petition to adopt is voluntarily dismissed with prejudice by the petitioner(s); or • The court dismisses the petition to adopt and no appeal has been taken, or the dismissal has been affirmed on appeal and all appeals have been exhausted. A relinquishment shall become void if: • Before the entry of the adoption decree, the individual who executed the relinquishment establishes by clear and convincing evidence that it was obtained by fraud or duress; or • Before placement with a prospective adoptive parent occurs, the agency and person relinquishing the minor agrees to rescind the relinquishment.	

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If a consent or relinquishment of a person who previously had legal and physical custody of a minor becomes void and no grounds exist for dispensing with this consent or relinquishment, the court shall order the return of the child to the custody of that person and shall dismiss any adoption proceeding. If the court has reasonable cause to believe that such return will be detrimental to the child, the court shall not order the return of the child but shall notify the county department of social services for appropriate action. If a consent or relinquishment of an individual who did not previously have physical custody of a minor is set aside and no grounds exist for dispensing with this consent or relinquishment, the court shall dismiss any pending proceeding for adoption. If return of the minor is not ordered to a person with prior legal and physical custody under (c) above, the court shall notify the department of social services for appropriate action. **Pre-birth Determination of Father's Right to Consent (N.C.G.S.§48-2206)** Anytime after six months from date of conception as reasonably determined by a physician, the biological mother, agency or adoptive parents chosen by the biological mother may file a special proceeding with the clerk requesting a determination whether the consent of the biological father is required. The biological father must be served with notice of the intent of the biological mother to place the child for adoption. This notice states that he has been named as the father of a child to be placed for adoption and that if he believes his consent to adoption is required under N.C.G.S.§48-3-601, he must notify the court no later than 15 days after receiving the notice that he believes his consent is required. This response must also be sent to the person or agency that sent him the notice. If the father fails to respond within the 15 days, the court shall enter an order that his consent is not required for the adoption. He is then not entitled to notice under N.C.G.S.§48-2-401(c) of an adoption petition filed within 3 months of the birth of the child. After that time the determination under this new section is no longer valid and he would be entitled to notice, need to give consent, deny paternity, etc. If the father notifies the court within the 15 days that he believes his consent is required, a hearing shall be held no earlier than 60 days nor later than 70 days after the father received his notice.	

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The notice of that hearing must inform the father of the date, time and place of the hearing and inform him that before the date of the hearing, he must have taken steps under N.C.G.S.§48-3-601 to establish that his consent is necessary. These steps include marrying the mother, legitimating the child (after the child's birth), acknowledging paternity of the child and supporting the child or mother and regularly visiting or communicating with the mother and/or child.
The court may take evidence as necessary during the hearing and enter an order determining whether the father's consent is necessary. If the court determines his consent is not necessary; he is not entitled to notice of an adoption petition filed within 3 months of the child's birth.
 	
Manner of service shall be pursuant to Rule 4 of the Rules of Civil Procedure, just as in TPR actions. For notice given by publication, a prior diligent search must have been made to find the father and the publication notice must include information by which he could identify himself.
 	
Persons Whose Consent Is Not Required (N.C.G.S.§48-3-603)
 	
• A person whose parental rights have been terminated;
• A man, described in N.C.G.S.§48-3-601(2) other than an adoptive father, who has been judicially determined not to be the father of the child to be adopted, OR where another man has been judicially determined to be the father of the child to be adopted;
• An individual who has given relinquishment for adoption to an agency;
• A man who is not married to the child's birth mother and who, after the conception of the child, has executed a notarized denial of paternity;
• A deceased parent, or the personal representative of a deceased parent's estate;
• An individual listed in N.C.G.S.§48-3-601 who has not executed a consent or a relinquishment and who fails to respond to a notice of the adoption proceeding within 30 days after the service of the notice;
• An individual notified under N.C.G.S.§48-2-206 (described in 8 above) who does not respond within the 15 days to a notice of hearing or whose consent is not required as determined by the court;
• The court may issue an order dispensing with the consent of:
  o A guardian or an agency that placed the minor upon a finding that the consent is being withheld contrary to the best interest of the minor; or
  o A minor 12 or more years of age upon a finding that it is not in the best interest of the minor to require the consent.	

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Affidavit of Parentage N.C.G.S.§48-3-206 requires an affidavit of parentage (DSS-1809) to be filed in both independent and agency placements in order to assist the court in determining that all necessary consents have been obtained. In an independent placement, the parent or guardian who placed the minor shall execute the affidavit. setting out the names, last known addresses, and marital status of the minor's parents or possible parents. In an agency placement, the agency shall obtain from at least one individual who relinquishes a minor to the agency an affidavit setting out this same information. A knowledgeable individual can execute this affidavit if the placing parent or guardian is unavailable. That person indicates the source of his knowledge on the form. This affidavit is not necessary when the agency has cleared both parents through a termination of parental rights order. **Consent to Adoption by Child** When a child is 12 years of age or older or will become 12 years of age before the Decree of Adoption is issued, the child's consent to the adoption is necessary (N.C.G.S.§48-3-601), unless dispensed with by the court. (See 9h above). The child's written consent to the adoption is given on form DSS1803, Consent of Child for Adoption, and is required in addition to the Consent to Adoption given by the parents or guardians. The child's consent is filed with the Petition for Adoption or before the Decree of Adoption is issued. If the Clerk does not require the consent of the child, the child must be given notice of the filing of the adoption petition. N.C.G.S.§48-2401(c)(1). **Consent to Adoption by Guardian of the Person** The consent for a child's adoption may be given by a guardian of the person of the child. The guardian of the person of the child is appointed to serve by the Clerk of Court pursuant to the provisions of N.C.G.S.§35A-1220, et. seq. A petition for appointment of guardian of the person is submitted to the Clerk of Court. Upon appointment, the guardian of the person has full legal authority to give or withhold consent to a child's adoption at a later date, and must be made a party to any proceeding for adoption (N.C.G.S.§48-3-601 and 48-2-401). Written consent is given by the guardian of the person of the child on form DSS-1802, Consent to Adoption by Parent, Guardian Ad Litem, or Guardian of the Person of the Child. **Reasons for Appointment of Guardian of the Person of the Child**	

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Biological Parents Deceased When the birth parents are deceased, the Clerk may appoint a guardian of the person in accordance with the provisions of N.C.G.S.§35A. Such guardian shall have authority to give or withhold consent to adoption. Adjudication of Mental Incompetency Where one or both birth parents of the child have been adjudged mentally incompetent, the Clerk may appoint a guardian of the person in accordance with the provisions of N.C.G.S.§35A, and such guardian's consent would be required in any subsequent proceeding for the child's adoption. (See 13 below regarding consents for mentally incompetent parents if the child is adopted). **Legal Documents Re: Appointment of Guardian of Person of the Child** When consent to the adoption is given by the guardian of the person of the child, a certified copy of the appointment of the guardian of the person of the child and the consent by the guardian (Form DSS-1802) are attached to the Petition for Adoption and filed for the Court's review. The Clerk of Court forwards these documents with the Petition to the Division of Social Services for filing and retention. **Guardians appointed in another jurisdiction** A guardian appointed in another jurisdiction must have the power to consent to the child's adoption under the law of that jurisdiction. N.C.G.S.§48-1-101 (8). **Consents Where Parents are Mentally Incompetent (N.C.G.S.§48-3-602)** If a parent whose consent to adoption is required has been adjudicated incompetent, then the court shall appoint a guardian ad litem for that parent and a guardian ad litem for the child, unless the child already has a guardian, to make a full investigation as to whether the adoption should proceed. If the court determines after a hearing on the matter that it will be in the best interest of the child for the adoption to precede, the court shall order the guardian ad litem of the parent to execute a consent for that parent. A diagnosis of mental illness or commitment to a psychiatric facility does not alone determine that a parent is incompetent. An adjudication of mental incompetency can only be made by a court of competent jurisdiction after reviewing evidence in the case,	

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pursuant to N.C.G.S.§35A-1101, et. seq. Agencies should proceed with caution before accepting relinquishments from parents who have been diagnosed as mentally ill, but not adjudicated incompetent, and work with mental health professionals to determine if the parent fully understands the adoption decision. In the alternative, termination of parental rights on the grounds of mental illness or mental retardation should be accomplished, pursuant to N.C.G.S.§7B-1111(a)(6). **Special Situations Affecting Status of Consents/Relinquishments** **Biological Mother Marries After the Birth of the Child** If the birth mother marries after the child's birth, her consent to the child's adoption should be signed under her married name. For example, if the mother's name is Mary Jane Doe and she marries a Smith, her signature would be Mary Jane Doe Smith. **Mother is Married and Legal Father is Not Biological Father** It is necessary that the legal father as well as the birth father and mother consent to the adoption of a child born in wedlock although the legal father (mother's husband) is not the birth father. North Carolina common law presumes that the birth mother's husband is the father of the child regardless of the circumstances around the child's conception and birth. Notice must be provided to the birth father and legal father, except as provided in (c) below and/or their consents or relinquishments must be obtained. **Consent of Legal Father is Not Necessary in Certain Instances** The consent of the husband of a birth mother of a child to be adopted is not required if the child was born more than 280 days after the marriage was terminated or the parties have separated pursuant to a written separation agreement or an order of separation entered under Chapter 50 or 50B of the General Statutes or a similar order of separation entered by the court in another jurisdiction. The consent of the legal father is also not required if there has been a judicial determination that he is not the father of the child or a judicial determination that another man is the father of the child to be adopted. N.C.G.S.§48-3-603(a)(2). **Denial of Paternity**	

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Occasionally the person named by the mother as the birth father of the child may deny paternity. In such a case, the person named as the father should execute his denial and waive any rights, including right to notice of the adoption, on the Denial of Paternity, Form DSS5118. Only an original of this form is needed, and it should be filed with the Petition for Adoption and any other legal documents. The Denial of Paternity is sufficient to allow the clerk to enter an order with findings of fact that his consent is not required. A denial of paternity may be executed at any time **after conception** of the child **by a man who was not married to the mother (N.C.G.S.§48-3603).** However, to be certain that no adoptive placements can be successfully challenged in such cases, it is recommended that the agency having placement authority for the child petition for termination of parental rights against an unknown father, since the denial of paternity by one man leaves open the question of paternity. **Voidable or Bigamous Marriage** If a child is born of a voidable or a bigamous marriage, the child is considered legitimate notwithstanding the annulment of the marriage (N.C.G.S.§50-11.1). Therefore, it is necessary that the birth father, as well as the mother, give consent to the adoption of the child. **If a child is born of a bigamous marriage**, consents to the child's adoption should be secured from the birth mother, the mother's legal husband (legal father of child), and the husband of the bigamous marriage (birth father of child). If the consents to the child's adoption cannot be secured from the legal father (mother's legal husband) as well as from the birth father (husband of bigamous marriage) because the whereabouts of one or both are unknown, then necessary action should be taken to rule out one or both, as the case may be, through a termination of parental rights action. **Divorced Parents** Consent of both parents in cases of divorce is necessary to adoption of their child unless one or both parents have been eliminated through termination of parental rights or unless the legal father's consent is not required as discussed in (c) above. The awarding of custody of a child to one parent in a divorce decree does not terminate the parental rights of the other parent for purposes of adoption, and does not therefore eliminate the other parent as a necessary party to a subsequent adoption proceeding.	

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PETITIONS TO ADOPT The Petition is a formal request to the **Clerk of Superior Court** for approval of an adoption and is presented to the Court for the purpose of legally establishing the parent-child relationship. The Petition may be prepared on the Form DSS-1800, or DSS-5162 (for stepparents) supplied by the Division of Social Services, or may be drawn up by the attorney in some other form that gives the particular information required under N.C.G.S.§48-2-304. The signing and filing of the Petition by the adoptive parents with the Clerk of Superior Court initiates the legal adoption proceeding. **Who May Be Adopted** • Any minor child may be adopted in accordance with the provision of Chapter 48. The child does not need to be a citizen or legal resident of the United States or here legally to be adopted. • Persons who are eighteen years of age or older, or if under the age of 18, are either married or have been emancipated by law may be adopted in accordance with the provisions of N.C.G.S.§48-5-100 et. seq. The legal requirements and the procedures in adult adoptions are quite different from those described for the adoption of minors. The county departments of social services have no statutory responsibilities in adult adoptions and do not make investigations and reports to the Court. **Who May Petition** • The petitioners must be 18 years of age when the Petition for Adoption is filed. (N.C.G.S.§48-1-103) • An individual may adopt even if not a citizen of the United States or not here legally, if such adoption would be in the best interest of the child and sufficient information exists to complete an approved pre-placement assessment. However, the services of an immigration attorney may also be needed to deal with federal immigration and naturalization issues arising from the state adoption. • The petitioners shall have lived in or been domiciled in North Carolina for at least the six consecutive months immediately preceding the filing of the petition or the child being adopted shall have lived in North Carolina for at least the six consecutive months immediately preceding the filing of the petition or from birth and the petitioner is domiciled in North Carolina. N.C.G.S.§48-2-100. If the petitioners live here when the petition is filed and then move to another state, the adoption can still be finalized in North Carolina after receipt of the post-placement Report on Proposed Adoption (DSS-1808) from the state where they now reside using ICPC	

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procedures. N.C.G.S.§48-1-109 (c). • A prospective adoptive parent may file a petition for adoption of a child only if the child has been placed with the prospective adoptive parent unless the requirement of placement is waived by the court for cause. N.C.G.S.§48-2301(a) • The spouse of a petitioner must join in the petition unless the spouse has been declared incompetent or unless this requirement is otherwise waived by the court for cause. Exceptions to this requirement are adoptions by stepparents or former parents under Articles 4 and 6 of Chapter 48. N.C.G.S.§48-2-301(b). That spouse must then be given notice of the waiver request, unless that notice is waived by the clerk for cause for petitions filed on or after 10/01/2005. • If the petitioner is unmarried, no other individual may join in the petition. N.C.G.S.§48-2 301(c) • Nonresidents are able to adopt in North Carolina if the adoptee is in the legal custody of a North Carolina child placing agency; the adoptee has resided in the State for six consecutive month immediately preceding the filing of the petition or from birth; or the prospective adoptive parent has lived in or been domiciled in North Carolina for rat least six consecutive months immediately preceding the filing of the petition. N.C.G.S.**§**48-2-100. **When Petition May Be Filed (N.C.G.S. § 48-2-302)** • A petition for adoption must be filed no later than 30 days after a child is placed with the petitioner or this state acquires jurisdiction to hear the petition, whichever is later, except for stepparent petitions and adoptions by former parents, unless the court extends the time for filing**.** • If a petition is not filed in accordance with (1) above, any person may notify the county department of social services for appropriate action. • A petition for adoption may be filed concurrently with a petition to terminate parental rights. **Where a Petition may be Filed (N.C.G.S.§48-2-101)** A petition for adoption may be filed with the clerk of the superior court in the county in which: • A petitioner lives, or is domiciled, at the time of the filing • The adoptee lives • An office of the agency that placed the adoptee is located.	

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Content of Petition The content of an adoption petition is specified by N.C.G.S.§48-2-304 and these mandatory provisions are contained on the standard form DSS-1800 and DSS-5162 (for stepparents). **Additional Documents to be Filed with Petition (N.C.G.S. § 48-2-305)** 1. Any required Affidavit of Parentage executed pursuant to N.C.G.S.§48-3206; 2. Any required Consent or Relinquishment that has been executed; 3. A certified copy of any court order terminating the rights and duties of a parent or guardian of the child; 4. A certified copy of any court order or pleading in a pending proceeding concerning custody of or visitation with the child; 5. A copy of any required pre-placement assessment certified by the agency that prepared it or an affidavit stating why the assessment is not available. In direct agency placements, in which an assessment is required and is not provided to the placing parent before placement of the child for adoption, a Certificate of Delivery of Pre-placement Assessment, (DSS-5219) must be filed, indicating that the prospective adoptive parent has later delivered a copy of the assessment to the placing parent; 6. A copy of any document containing the information required under N.C.G.S.§48-3-205 concerning the health, social, educational, and genetic history of the adoptee and the adoptee's biological family which the petitioner received before the placement or at any later time, certified by the person who prepared it, or if this document is not available, an affidavit stating the reason why it is not available; 7. Any signed copy of the form required by the Interstate Compact on the Placement of Children authorizing a child to come into North Carolina or an explanation of why such is not available;	

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8. A statement containing the name of any individual whose consent is or may be required, but who has not executed a consent or a relinquishment or whose parental rights have not been legally terminated, and any fact or circumstance that may excuse the lack of consent or relinquishment; and 9. In an adoption pursuant to Article 4 of Chapter 48 (stepparents), a copy of any agreement to release past-due child support payments; 10. Any consent to an agency by a placing parent and adopting parents to release identifying information under N.C.G.S.§48-9-109. Use form DSS5218 (Consent to Release of Identifying Information). 11. The petitioner may also file any other document necessary or helpful to the court's determination. **Omission of Required Information (N.C.G.S.§48-2-306)** • Before entry of a Decree of Adoption, the court may require or allow the filing of any additional information required by Chapter 48. • After entry of a Decree of Adoption, omission of any information required by N.C.G.S.§48-2-304 and N.C.G.S.§48-2-305 does not invalidate the Decree. **Termination of Juvenile Court Reviews** The placement of a child for adoption and the filing of an adoption petition does not terminates juvenile court reviews in accordance with **N.C.G.S.§7B-908 and 909**. **Notification of Guardian Ad Litem** The agency must notify the guardian ad litem in writing of the filing of the adoption petition. Any issue of abuse of discretion by the county department of social services or child-placing agency in the selection process must be raised by the guardian ad litem before the Clerk within 10 days of the date of the written notice pursuant to N.C.G.S.§7B-908 (f).	

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Notice by Petitioner • No later than 30 days after a petition is filed, the petitioner shall serve notice of the filing, pursuant to N.C.G.S.§1A-1, Rule 4, on the persons specified in N.C.G.S.§ 48-2-401. • A notice required under this section must state that the person served must file a response to the petition within 30 days after service **(40 days, if service by publication)** in order to participate in and to receive further notice of the proceeding including notice of the time and place of any hearing. • In the event that the identity of a biological or possible biological parent cannot be ascertained and notice is required, the parent or possible parent shall be served by publication pursuant to N.C.G.S.§1A-1, Rule 4 (j1). The notice shall also state that any parental rights the unknown parent or possible parent may have will be terminated upon entry of the order of adoption. However, in an agency placement of a minor child, the agency or other proper person shall file a petition to terminate the parental rights of an unknown parent or possible parent instead of serving notice under this subsection, and the court shall stay any adoption proceeding already filed. **An agency may give notice of the adoption proceeding to any known or possible parent if that can be done personally or by registered mail. (N.C.G.S.§48-2-402 (c))** • A person entitled to notice whose consent is not required may appear and present evidence only as to whether the adoption is in the best interest of the adoptee. • A person who has executed a consent or relinquishment or otherwise waived notice is not a necessary party and is not entitled to appear in subsequent proceedings related to the petition except that such person may appear for the limited purpose of moving to set aside the consent or relinquishment on the grounds that it was obtained by fraud or duress. **ORDER FOR A REPORT TO THE COURT (Form DSS-1807)** Whenever a petition for adoption of a child is filed, the court shall order a report to the court made to assist the court to determine if the proposed adoption of the minor by the petitioner is in the child's best interest.	

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The court shall order the report to be prepared: • by the agency that placed the minor; • by the agency that made the pre-placement assessment pursuant to Part 3 of Article 3 of Chapter 48; • by another agency The court shall provide the individual who prepares the report with copies of the petition to adopt and the documents filed with it. **REPORT ON PROPOSED ADOPTION** (Form DSS-1808) and Instructions for Completing the Form DSS-1808-I **Preparation and Content of Report** In preparing a report to the court, the agency shall conduct a personal interview with each petitioner in the petitioner's residence and at least one additional interview with each petitioner and the adoptee and shall observe the relationship between the adoptee and the petitioner or petitioners. The report must be in writing and contain: • An account of the petitioner's marital or family status, physical and mental health, home environment, property, income, and financial obligations; if there has been a pre-placement assessment, the account may be limited to any changes since the filing of the preplacement assessment; • All reasonably available non-identifying information concerning the physical, mental, and emotional condition of the adoptee required by N.C.G.S.§48-3-205 which is not already included in the document prepared under that section; • Copies of any court order, judgment, decree, or pending legal proceeding affecting the adoptee, the petitioner, or any child of the petitioner relevant to the welfare of the adoptee; • A list of the expenses, fees, or other charges incurred, paid, or to be paid in connection with the adoption that can	

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reasonably be ascertained by the agency; • Any fact or circumstance known to the agency that raises a specific concern about whether the proposed adoption is contrary to the best interest of the adoptee because it poses a significant risk of harm to the well-being of the adoptee; • A finding by the agency concerning the suitability of the petitioner and the petitioner's home for the adoptee; • A recommendation concerning the granting of the petition; and • Such other information as may be required by rules adopted by the Social Services Commission. **TIMING AND FILING OF REPORT** The agency shall complete a written report and file it with the court within 60 days after mailing or delivery of the order under N.C.G.S.§48-2-501 unless the court extends the time for filing. The agency shall have 3 additional days if the order was mailed. If the agency identifies a specific concern about the suitability of the petitioner or the petitioner's home for the adoptee, the agency must file an interim report immediately, which must contain an account of the specific concern. The final report must then indicate whether that concern has been satisfied and in what manner. When an agency identifies a concern in a final report and the court extends the time for final disposition to allow resolution of these concerns, a supplemental report indicating whether these concerns have been satisfied and in what manner must be filed. The agency shall give the petitioner a copy of each report filed with the court and the agency shall retain a copy. The report shall be written in such a way as to exclude all information that could reasonably be expected to lead directly to the identity of the adoptee at birth or a birth-family member. If a minor has lived with a stepparent for at least 2 consecutive years immediately preceding the filing of the petition, the court may order a report to the court but is not required to do so unless the minor's consent to the adoption is to be waived or the minor has revoked a consent or both the minor's parents are dead.	

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FEE FOR REPORT An agency that prepares a report to the court may charge the petitioner a reasonable fee for preparing and writing the report. No fee may be charged except pursuant to a written fee agreement which must be signed by the parties to be charged prior to the beginning of the preparation. The fee agreement may not be based on the outcome of the report or the adoption proceeding. A fee for a report is subject to review by the court pursuant to N.C.G.S.§482-602 and N.C.G.S.§48-2-603. The Department shall set the maximum fees, based on ability to pay and other factors, which may be charged by county departments of social services. The Department shall require waiver of fees for those unable to pay or for those unable to obtain a pre-placement assessment at the fee the county is permitted to charge. Fees collected under this section shall be applied to the costs of preparing and writing reports and shall be used by the county department of social services to supplement and not to supplant appropriated funds. **DISPOSITIONAL HEARING AND ADOPTION DECREE** **NATURE AND TIMING OF HEARING** If a petition to adopt a minor is not contested, the court may dispose of the petition without a formal hearing. A date and time for hearing or disposing of the petition must be set no later than 90 days after a petition for adoption has been filed. That 90 day time period can be shortened by the clerk for cause. N.C.G.S. § 48-2603(a)(1)(2). Such hearing or disposition must take place no later than 6 months after a petition is filed unless extended for cause. N.C.G.S.§48-2-601(b). **ISSUES TO BE ADDRESSED AT HEARING OR DISPOSITION** At the hearing on, or disposition of, a petition to adopt a minor, the court shall grant the petition upon finding by a preponderance of the evidence that the adoption will serve the best interest of the adoptee, and that: • At least 90 days have elapsed since the filing of the petition for adoption, unless the court for cause waives this requirement;	

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• The adoptee has been in the physical custody of the petitioner for at least 90 days, unless the court for cause waives this requirement; • Notice of the filing of the petition has been served on any person entitled to receive notice under Part 4 of Article 2; • Each necessary consent, relinquishment, waiver, or judicial order terminating parental rights has been obtained and filed with the court and the time for revocation has expired; • Any assessment required by this Chapter has been filed with and considered by the court; • If applicable, the requirements of the Interstate Compact on the Placement of Children, N.C.G.S.§7B-3800, et. seq., have been met; • Any motion to dismiss the proceeding has been denied; • Each petitioner is a suitable adoptive parent; • Any accounting and affidavit required under. N.C.G.S.§48-2-602 has been reviewed by the court, and the court has denied, modified, or ordered reimbursement of any payment or disbursement that violates Article 10 or is unreasonable when compared with the expenses customarily incurred in connection with an adoption; • The petitioner has received information about the adoptee and the adoptee's biological family if required by N.C.G.S.§48-3-205; and • There has been substantial compliance with the provisions of this Chapter. If the court finds a violation of this Chapter pursuant to Article 10 or of the Interstate Compact on the Placement of Children, N.C.G.S.§7B-3800, et. seq., but determines that in every other respect there has been substantial compliance with the provisions of this Chapter, and the adoption will serve the best interest of the adoptee, the court shall: • Grant the petition to adopt; and • Impose the sanctions provided by this Chapter against any individual or entity who has committed a prohibited act or report the violations to the appropriate legal authorities. The court on its own motion may continue the hearing for further evidence. **DECREE OF ADOPTION**	

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Mandatory provisions for the Decree of Adoption are found in N.C.G.S.§48-2-606 and are incorporated in the standard form DSS-1814. A Decree of Adoption must not contain the name of a former parent of the adoptee. The legal effect of a Decree of Adoption is to establish the relationship of parent and child between the petitioner and individual being adopted. Adoption entitles the child to inherit real and personal property from the adoptive parents in accordance with the statutes of descent and distribution. If one petitioner dies before the adoption can be completed and the surviving petitioner thereafter obtains the Decree of Adoption, the child is entitled to inherit real and personal property from the deceased petitioner in accordance with statutes of descent and distribution as though the Decree of Adoption had been entered prior to the petitioner's death. (N.C.G.S.§48-2-204) **TRANSMITTAL OF ADOPTION RECORDS TO THE DIVISION OF SOCIAL SERVICES** The clerk holds all documents in an adoption proceeding until after the Decree of Adoption is entered or after the final disposition of an appeal in the adoption. The clerk then has 10 days to send them to the Division. The clerk retains the original petition and original decree of adoption and sends a copy of these documents to the Division. The Division permanently indexes and files the records and transmits a report of the adoption and name change to the State Registrar. N.C.G.S.§48-9-102(d-f). Adoption proceedings, reviewed by Division staff for accuracy and legal soundness, are returned to the Clerk of Superior Court for corrections. **DISMISSAL OF ADOPTION PROCEEDING** The adoption proceeding may be dismissed by the Court if at any time between the filing of the Petition and the issuing of the Decree of Adoption it is made known to the Court that circumstances are such that the child should not be adopted by the petitioners. Such information may be brought to the court's attention by the attorney, birth or adoptive parents, and/or the social agency. If an adoption proceeding is not to be completed, it should be dismissed by a formal court order, which may be either drawn and typewritten to suit the individual case, or may be issued on the standard Dismissal form (DSS-1816) provided by the Division of	

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Social Services. **PROCEDURE FOR DISMISSAL OF PROCEEDING** The court, before entering an order to dismiss the proceeding, shall give at least 5 days notice of the motion to dismiss to the parties, to the agency that prepared the Report on Proposed Adoption and to the Department of Health and Human Services. The parties, agency and Department shall be entitled to a hearing on the issue of dismissing the proceeding. N.C.G.S.§48-2-604. **CUSTODY OF CHILD WHEN PROCEEDING IS DISMISSED IN AGENCY PLACEMENT** When the proceeding is dismissed by the clerk in an agency placement, custody of the child shall revert to the director of the county department of social services or executive director of the licensed child-placing agency having custody of the child through release and surrender at the time of placement and initiation of the adoption proceeding. (N.C.G.S.§48-2-604) **CUSTODY OF CHILD WHEN PROCEEDING IS DISMISSED IN AN INDEPENDENT PLACEMENT** If the child was placed directly with the adoptive parents by the birth parents, the custody of the child reverts to the birth parents and the Court of Adoptions, upon dismissal of the proceeding, immediately notifies the director of social services of the county in which the Petition was filed to take appropriate action for the protection of the child. (N.C.G.S.§48-2-604). In addition, when the court dismisses the petition and no appeal is taken or is resolved, any consents used in that adoption are void. N.C.G.S.§48-3-609(a) If any question or dispute arises as to custody of the child, the director should petition the appropriate court of juvenile jurisdiction for custody so that the agency can make a plan of care for the child. **PROCEEDING DISMISSED FOR TECHNICAL REASONS** If the adoption proceeding is dismissed for legal and/or technical reasons, and a new proceeding is initiated or filed, and the child is to remain with and be adopted by the same adoptive parents, the consents to the child's adoption will continue to be valid. It is recommended that the Order dismissing the proceeding show that the original consents are not to be affected. The original consent	

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documents may be drawn from the file held by the Division of Social Services and returned to the Court to be made a part of a new proceeding upon receipt by the Division of Social Services of an Order from the Court authorizing such return. **VOLUNTARY DISMISSAL BY THE PETITIONER** The petitioner may request that the petition be dismissed under Rule 41 of the Rules of Civil Procedure either without prejudice to re-file within a year or with prejudice meaning the action cannot be refiled. A voluntary dismissal by the petitioner does not void the underlying consents, but a voluntary dismissal with prejudice does. N.C.G.S.§48-3-609(a). **APPEALS** A party to an adoption proceeding may appeal a Decree of Adoption by giving notice of appeal as provided in N.C.G.S.§48-2-607(b) and N.C.G.S.§1-301-2(e). A parent or guardian whose consent or relinquishment was obtained by fraud or duress may, within six months of the time the fraud or duress is or ought reasonably to have been discovered, move to have the decree of adoption set aside and the consent declared void. A parent or guardian whose consent was necessary as described in Chapter 48 but whose consent was not obtained may, within six months of the time omission is or ought reasonably to have been discovered, move to have the decree of adoption set aside. An adoption of an Indian child can be challenged for up to two years for fraud or duress. **Except as provided above, after the decree of adoption is entered, no party to an adoption proceeding or anyone claiming under such a party may question the validity of the adoption.** **AMENDMENT OF BIRTH CERTIFICATE** Provision is made within the adoption statute, N.C.G.S.§48-9-107, for changing the name of the child and for the preparation of a new birth certificate in the adoptive name. The original birth certificate is sealed and a new one is issued by the Office of Vital Records in the state where the child was born. This is done upon receipt of the Court's report that the Decree of Adoption has been	

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issued and that the change of name is authorized. This Report, which is actually an order issued by the Court of Adoptions, is made on Form DSS-1815, Report to Vital Records. The Clerk of Court signs the Report and forwards it to the Division of Social Services at the time the Decree of Adoption is sent. In North Carolina, as in most states, the new birth certificate makes no reference to the adoption, and the names of the adoptive parents are shown as though they were the birth parents of the child. The original certificate is placed under seal which may not be broken except as provided in **N.C.G.S.§48-9-105 and 106** for the opening of the adoption record. N.C.G.S.§48-9-108 provides for restoration of the original birth certificate if the decree of adoption is set aside. **Certification of Identification for Foreign-Born Children** A certificate of identification can be issued by the Special Registration Unit, North Carolina Vital Records Section, State Center for Health and Environmental Statistics, in lieu of a child's birth certificate for children born in a foreign country and later adopted in North Carolina. It is essential that a certified copy of the child's original foreign birth certificate, with appropriate translation, be attached to the Report to Vital Records if a certificate of identification is desired (N.C.G.S.§130A108). **CONFIDENTIALITY** Please see Cross Function Topics: Confidentiality, Release of Non-Identifying Information An adoptive parent, an adoptee who is an adult at the time of the request, or a minor adoptee who is a parent or an expectant parent may request a copy of any document prepared pursuant to N.C.G.S.§48-3-205 and a copy of any additional non-identifying health-related information about the adoptee's biological family that has been submitted to a court, agency, or the Division. A minor seeking treatment pursuant to N.C.G.S.§90-21.1 may request that a copy of this information be sent to the treating physician. If a request under this section is made to the agency that placed the adoptee or prepared the report to the court, the agency shall furnish the individual making the request or the treating physician named by a minor making the request with a copy of any relevant report or information that is included in the sealed records of the agency. If a request under this section is made to the court that issued the decree of adoption, the court shall refer the individual to the Division, or, if known to the court, the agency that placed the adoptee or prepared the report to the court. The Division may refer the individual to the agency that prepared the report to the	

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court. If the agency no longer exists, the Division may furnish the information to an agency convenient to the requesting party. Any report or information released under this section shall be edited by the sender to exclude the name, address, or other information that could reasonably be expected to lead directly to the identity of an adoptee at birth or an adoptee's parent at the adoptee's birth or other member of the adoptee's biological family and shall contain an express reference to the confidentiality provisions of this Chapter. An individual who is denied access to a report or information requested under this section may petition the clerk of original jurisdiction for review of the reasonableness of the denial. If the court or the agency receives information from an adoptee's former parent or from an adoptee's former relative about a health or genetic condition that may affect the health of the adoptee or the adoptee's child, an appropriate employee shall make a reasonable effort to contact and forward the information to an adoptee who is 18 or more years of age, or an adoptive parent of an adoptee who is under 18 years of age. Nothing in this section shall prohibit an agency from disclosing nonidentifying information about the adoptee's present circumstances, in the nature of information required under N.C.G.S.§48-3-205, to a former parent, an adult sibling, or the guardian of a minor sibling on request. The Department shall prescribe a reasonable procedure for verifying the identity, age, or their relevant characteristics of an individual who requests or provides a report or information under this section and the Department, the court, or agency may charge a reasonable fee for locating and making copies of a report or information. **Release of Identifying Information** No information from any adoption records shall be released that could reasonably be expected to lead to or identify an adoptee, adoptive parent, birth parent, birth sibling or birth grandparent except upon order of the court pursuant to N.C.G.S.§489-105 and 106. The agency that prepared the report for the court must be given a copy of any motion to release information pursuant to N.C.G.S.§48-9-105 and such agency must be given at least 5 days notice of any hearing on this motion. The placing parent and the adoptive parents may sign a consent form allowing the placing agency to release identifying information	

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to both parties and allowing them to release that information to each other. This consent must be filed with the petition for adoption. Use DSS Form 5218 (Consent to Release of Identifying Information) for this purpose. After the adoption is finalized, the adoption record is sealed and no identifying information can be disclosed except pursuant to N.C.G.S.§48-9-105. **Authorized Disclosures** Under N.C.G.S.§48-9-109 an employee of a court, agency, or any other person is not prohibited from: • Inspecting permanent, confidential, or sealed records, other than records maintained by the State Registrar, for the purpose of discharging any obligation under this Chapter. • Disclosing the name of the court where a proceeding for adoption occurred, or the name of an agency that placed an adoptee, to an individual described in N.C.G.S.§48-9-104 who can verify his or her identity; or • Disclosing or using information contained in permanent and sealed records, other than records maintained by the State Registrar, for statistical or other research purposes as long as the disclosure will not result in identification of a person who is the subject of the information and subject to any further conditions the Department may reasonably impose. When an Indian adoptee reaches 18, the court entering the final decree of adoption will inform the adoptee of his tribal affiliation and any other information needed to protect rights flowing from tribal membership. **PROHIBITED PRACTICES IN CONNECTION WITH ADOPTION** **PROHIBITED ACTIVITIES IN PLACEMENT** No one other than a person or entity specified in N.C.G.S.§48-3-201 may place a minor for adoption. No one other than a person or entity specified in N.C.G.S.§48-3-201, or an adoption facilitator, may solicit potential adoptive parents for children in need of adoption. No one other than an agency or an adoption facilitator, or an individual with a completed pre-placement assessment that contains a finding that the individual is suitable to be an adoptive parent or that individual's immediate family, may solicit for adoption a potential adoptee. No one other than a county department of social services, an adoption facilitator, or an agency licensed by the Department in this	

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State may advertise in any periodical or newspaper, or by radio, television, or other public media, that any person or entity will place or accept a child for adoption. **Persons with current, favorable pre-placement assessments may advertise their desire to adopt in a periodical or newspaper or on radio, television, cable television or on the Internet. This advertisement must include a statement that the person has a completed, favorable pre-placement assessment, identify the agency which prepared the assessment and the date it was completed. The advertisement may state whether the person is willing to provide lawful expenses as permitted by N.C.G.S.§48-10-103.** A person who violates (1) or (2) above is guilty of a Class 1 misdemeanor. The district court may enjoin any person from violating this section. **UNLAWFUL PAYMENTS RELATED TO ADOPTION** Except as provided in N.C.G.S.§48-10-103, a person or entity may not pay or give, offer to pay or give, or request, receive or accept any money or anything of value, directly or indirectly, for: • The placement of a minor for adoption; • The consent of a parent, a guardian, or an agency to the adoption of a minor; • The relinquishment of a minor to an agency for purposes of adoption; or • Assisting a parent or guardian in locating or evaluating a potential adoptive parent or in transferring custody of a minor to the adoptive parent. A person who violates this section is guilty of a Class 1 misdemeanor. For each subsequent violation, a person is guilty of a Class H felony which may include a fine of not more than ten thousand dollars ($10,000). The district court may enjoin any person or entity from violating this section. **LAWFUL PAYMENTS RELATED TO ADOPTION** An adoptive parent, or another person acting on behalf of an adoptive parent, may pay the reasonable and actual fees and expenses for: • Services of an agency in connection with an adoption; • Medical, hospital, nursing, pharmaceutical, traveling, or other similar expenses incurred by a mother or her child incident to	

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the pregnancy and birth or any illness of the adoptee; • Counseling services for a parent or the adoptee that are directly related to the adoption and are provided by a licensed psychiatrist, psychologist, marital and family therapist, registered practicing counselor, certified social worker, fee-based practicing pastoral counselor or other licensed professional counselor, or an employee of an agency; • Ordinary living expenses of a mother during the pregnancy and for no more than six weeks after the birth; • Expenses incurred in ascertaining the information required under N.C.G.S.§48-3-205 about an adoptee and the adoptee's biological family; • Legal services, court costs, and traveling or other administrative expenses connected with an adoption, including any legal service connected with the adoption performed for a parent who consents to the adoption of a minor or relinquishes the minor to an agency; and • Preparation of the pre-placement assessment and the report to the court. A birth parent, or another person acting on the parent's behalf, may receive or accept payments authorized in (1) above; or a provider of a service listed in (1) above may receive or accept payments for that service. A payment authorized by (1) above may not be made contingent on the placement of the minor for adoption, relinquishment of the minor, consent to the adoption, or cooperation in the completion of the adoption. Except as provided in (4) below, if the adoption is not completed, a person who has made payments authorized by (1) above may not recover them; but neither is this person liable for any further payment unless the person has agreed in a signed writing with a provider of a service to make this payment regardless of the outcome of the proceeding for adoption. A prospective adoptive parent may seek to recover a payment if the parent or other person receives or accepts it with fraudulent intent to prevent the proposed adoption from being completed. An agency may charge or accept a reasonable fee or other compensation from prospective adoptive parents. In assessing a fee or charge, the agency may take into account the income of adoptive parents and may use a sliding scale related to income in order to provide services to persons of all incomes. **FAILURE TO DISCLOSE NON-IDENTIFYING INFORMATION**	

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An adoptive parent, an adoptee, or any person who is the subject of any information required under N.C.G.S.§48-3-205 or authorized for release under Article 9 of Chapter 48 may bring a civil action against a person who fraudulently or intentionally misrepresents or fails to disclose information required under N.C.G.S.§48-3-205 or Article 9 of Chapter 48. **UNAUTHORIZED DISCLOSURE OF INFORMATION** Except as authorized in N.C.G.S.§48-3-205 or in Article 9 of Chapter 48, no identifying or non-identifying information contained in a report or records described therein may be disclosed by present or former employees or officials of the court, and agency, the State, a county, an attorney or other provider of professional services, or any person or entity who wrongfully obtains such a report or records. A person who knowingly makes an unauthorized disclosure of identifying information is guilty of a Class 1 misdemeanor. The district court may enjoin for further violations any person who makes an unauthorized disclosure. Notwithstanding the penalties provided in (2) above, an individual who is the subject of any of this information may bring a civil action for equitable or monetary relief or both against any person or entity who makes an unauthorized disclosure of the information. **USE AND DISTRIBUTION OF FORMS RE: NON-IDENTIFYING BACKGROUND AND HEALTH HISTORY INFORMATION** **FORMS** The Non-Identifying Background Information Form (DSS-5102) has been developed pursuant to N.C.G.S.§48-3-205. It is designed to contain nonidentifying information about the characteristics of the birth parents of a child released for adoption. The Adoption Health History Form, Parts I and II, (DSS-5103) has been developed pursuant to N.C.G.S.§48-3-205 and is designed to contain a complete non-identifying health history, if available, of birth parents and other relatives. **USE AND DISTRIBUTION OF FORMS** Required Use and Distribution of Forms	

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For all adoptions completed, the Non-Identifying Background and Information and the Adoption Health History Forms are to be completed insofar as possible and given to the adoptive parents. For those adoptions not yet completed through the Decree of Adoption, these two forms are to be completed and given to the adoptive parents prior to entry of the Decree of Adoption. Optional Use and Distribution of Forms These same forms may be used, if desired, to provide characteristic and health information about birth parents and other relatives upon receipt of a written request for such information from the adoptive parents and/or the adoptee or the information may be presented in narrative form, if desired. Additional Information About Non-Identifying Background and Health History N.C.G.S.§48-9-103 allows an adoptive parent, an adult adoptee, or a minor adoptee who is a parent or expectant parent to request a copy of DSS-5102 and DSS-5103. **PROCEDURE FOR OBTAINING INFORMATION FOR THE FORMS DSS-5102 AND DSS-5103.** Agency Adoptions When possible, staff should seek the assistance of the birth parents in completing the Non-Identifying Background Information and the Adoption Health History Forms. In cases in which the agency is working with the parents prior to their releasing their child for adoption, this will pose little or no problem. In an effort to obtain as much accurate information as possible about the child's birth family, the forms should be given to the parents for completion, with the instructions that they should feel free to seek the help of their parents and/or other relatives in obtaining information to be included on the Adoption Health History Forms. Family centered practice tells us that it may be beneficial to assist the birth family in completing the form. Non-Agency Adoptions A separate Adoption Health History Form, Part II, is to be completed for each birth parent. In cases in which the child has been placed directly by the birth parents with the adoptive parents, these forms should have been completed by the birth parents at the time of	

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the agency's assessment. In other cases, such as relative adoptions, the agency will become aware of and involved in the case only after receipt of the Order for a Report on Proposed Adoption (DSS-1807), after the Petition for Adoption of a Minor Child (DSS-1800) has been filed. In such cases, family centered practice tells us that the agency should make every effort to assist petitioner(s) to obtain the information needed for the Non-Identifying Background Information (DSS-5102) and the Adoption Health History (DSS-5103). Often, this will mean that the agency receiving the Order for a Report on Proposed Adoption (DSS-1807) from the Court will need to contact an agency or agencies in another county or state for assistance in this matter. **GENERAL INFORMATION** There should be no attempt to contact the birth parents after an adoption has been completed through the Decree of Adoption in an effort to obtain information for the Non-Identifying Background and Adoption Health History Forms. However, when working with the birth parents at the time of release to the agency or, in independent placements, following receipt of the Order for a Report to the Court, the adoption worker should encourage them to feel comfortable about providing the agency with relevant and current medical information on a continuing basis. **Contact must then be made with the adoptive parents to share any such information that may affect the health of the adoptee (N.C.G.S.§48-9-103(e)).** In all contacts with birth parents around obtaining the information for these two forms, the parents should be helped to understand the value that this information will have for the adoptive parents and for the child they are releasing or have released for adoption. In particular, medical facilities are increasingly seeking detailed medical background information as they evaluate and develop treatment plans for patients, and this information can be of critical importance. In motions by adult adoptees under N.C.G.S.§48-9-105, the Clerk must consider the appointment of an intermediary to obtain information from the birth parents in a non-identifying manner, and many clerks will ask the placing agency to serve as an intermediary, locate the birth parents, obtain updated background and medical information for the adoptee and ascertain their desire to be identified to the adult adoptee.	

Legal Guides

Definition	
When the adoptive home deemed most suitable to meet the child's needs is located in another county or state; or when, after placement has occurred, the adoptive parents are transferred to another county or state prior to the issuance of the Decree for Adoption, supervisory services need to be requested to assure satisfactory adjustment of the family and protection of the child. When the move is to another state, the requirements and procedures of the Interstate Compact on the Placement of Children must be followed. (See Interstate/Intercountry Services for Children.) See Cross Function Topics: Jurisdiction and ICWA.	

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PROCEDURES FOR ADOPTIONS TAKING PLACE ACROSS COUNTY AND STATE LINES **INTER- AGENCY ADOPTIONS** **Agency Placement** If a family from another county is selected for a child, there should be an Inter-Agency Adoption Agreement (DSS-1798) concerning responsibilities for placement, continuing casework services, and supervision between the two involved agencies before a placement is made. This agreement will promote collaboration between the agencies in order to ensure that all required services are coordinated and provided to the adoptive family, in accordance with applicable state and federal laws and policies. Post-placement supervision is provided by the agency that has been providing adoption services to the adoptive applicants. This agency should submit written reports on a regular basis as mutually agreed upon between the agencies containing specific information about the placement's progress. The supervising agency is responsible for advising the family about the legal process and for filing reports required by law. **Family Moves** When adoptive families move out of the county before the adoption has been completed, the supervising agency needs to request supervisory services from an appropriate agency in the family's new place of residence. Adequate supervision is dependent on an	

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early referral and request for supervision. The agency requesting the assistance has responsibility for providing copies of the preplacement assessment, child's summary, and post-placement progress reports to the new supervising agency, and also for indicating the number of supervisory visits and reports that will be needed. **INTERSTATE ADOPTIONS** **Agency Placements** The child's agency must follow the same procedures in making decisions for placement and in planning for and arranging interstate adoptive placements as in deciding, planning for, and arranging in-state adoptive placements for children for whom it has placement authority, with the following addition: • Adoptive placement of children into or out from North Carolina must be in compliance with the provisions of the Interstate Compact on the Placement of Children (ICPC) N.C.G.S.§7B-3800. • **Cross function topic: ICPC** **Note:** ICWA **takes precedence over the ICPC and** a **child who** is either a member of a federally recognized Indian tribe, is eligible for membership or is the biological child of a tribal member **must be cleared by the appropriate tribe before consideration of intra or interstate services**. In the case of a child going from North Carolina to another state, written consent for placement must be obtained from the receiving state's ICPC office prior to the child's placement in that state. Materials and documents needed as a basis for approval include: • Interstate Compact Placement Request (ICPC100A-DSS-1837); • Cover letter to request services and to provide explanation for the request; • Child's pre-adoptive summary, including background information about the biological family, information about the child's previous placements, current medical, psychological evaluation, special needs, school reports, etc.; • Pre-placement assessment on prospective adoptive parents; • Copies of the child's legal clearance documents and birth certificate; and • Information regarding the child's eligibility for adoption assistance.	

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These items must be sent to the ICPC Section of the North Carolina Division of Social Services **in triplicate** for appropriate transmittal to the other state. Frequently, it will be desirable or essential that the home to which the child is going be licensed (or "approved," the term used in some states) as a foster home. For North Carolina's children going to other states, the home must be licensed or approved if foster care payments are to be continued until finalization of the adoption; and/or the child is being placed on a "legal risk" bases. When another state's child is placed with a North Carolina family, the requirements of the Interstate Compact outlined above must be followed by the placing agency. The receiving agency, which may be a private agency or county of residence of the adoptive family, shall be responsible for complying with requests for reports. **Independent Placements** An independent placement is one in which the child is placed for adoption by the parent or legal guardian directly with the adopting family when the child is not in the custody of a county DSS or private child placing agency. The provisions of N.C.G.S. §7B-3800, the Interstate Compact on the Placement of Children (ICPC), apply to independent adoptive placement situations. Departments of social services may provide the needed services in obtaining sufficient information on the prospective adoptive parents, birth parents, and child to serve as a basis for approval of the placement and prepare the preplacement assessment as required by law. A placement can be approved if the assessment and background information indicate that the adoption plan is a voluntary one on the part of the birth parents and that they understand their rights and are satisfied with the plan, that the child appears to be a suitable subject for adoption, that the proposed adoptive family appears to be a suitable one for the child, and that so far as can be determined, proper consents necessary for a valid adoption have been, or can be, obtained. **When Adoptive Families Move After Placement, Prior to Decree of Adoption** When adoptive families move from North Carolina or to North Carolina before entry of the Decree of Adoption, requests for assistance of agencies in the new residence must be directed through the Interstate Services Section of the Division of Social Services, for transmittal to the counterpart agency in the other state. This applies to all adoptive placements -- not just to agency placements. The Interstate Compact Placement Request (ICPC100A–DSS-1837) must be submitted, along with all information and materials mentioned in the above paragraphs. The ICPC100A must be signed by the agency having placement authority or court	

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ordered supervisory responsibility for the child. It is expected that the new state of residence will provide the family with appropriate adoption services and will submit timely reports to the sending state. All changes in status for interstate adoptive placements require notification to the Interstate ICPC Section of the Division of Social Services. The changes are submitted on the Interstate Compact Report on Child's Placement Status (ICPC-100B–DSS-1838). **PROCEDURES FOR INTERNATIONAL ADOPTION** **FOREIGN BORN CHILDREN PLACED WITH NORTH CAROLINA FAMILIES** **When a Child is Adopted in the Country of Birth** All responsibilities for giving approval for these placements rest with the private or public agency that prepares the home assessment. The placements must be in conformity with the pre-adoptive requirements of North Carolina and the US Citizenship and Immigration Services regulations. Contacts are made directly to the US Citizenship and Immigration Services Office by the agency working with the adoptive applicants. Unless a child has been identified by the adoptive applicants, county departments of social services are not required to provide services to persons seeking to adopt internationally (N.C.G.S.§48-3-302(e). Private agencies specialize in international placements and are oftentimes the best resources for these placements. North Carolina residents often apply to United States based international adoption agencies located in other states across the country. These placements must adhere to the Interstate-Compact for the Placement of Children guidelines. **Legal Process** When the legal adoption process is completed in the foreign court before the child enters the United States, the adopting parents appear in person before the foreign court and become the child's legal parents at that point. Approval for the child to enter North Carolina is not needed. In other cases, the adoption proceeding, even though it may be filed in the foreign court, will not have been completed. Guardianship may have been granted or the adoption may have been completed by "proxy" when the time comes for the child to join his adoptive parents in North Carolina. In such instances, or when no adoption proceeding has been filed in the foreign country, approval must be obtained prior to the child's coming to North Carolina. Approval, just as in interstate approvals, is based on review by the Interstate ICPC Section of the ICPC 100A (DSS-1837) The child's background, medical information, legal and foreign	

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clearance documents and their translations, and a completed and approved North Carolina adoptive home assessment must be reviewed before approval can be given. ICPC supervision continues until the adoption is finalized. The international process is complex, time-consuming and expensive. It is often stressful and difficult to complete. Therefore, it is important that adoptive applicants become well-informed, maintain a strong commitment to the process and have the support and expertise of the agency to assure a successful foreign adoptive placement. **PROCEDURES FOR RE-ADOPTION OF CHILDREN ADOPTED IN A FOREIGN COUNTRY** North Carolina residents are encouraged to also adopt through a North Carolina court upon return to this state. The law does not distinguish between a domestic adoption and an inter-country adoption, so the basic procedure for legalizing an adoption must be followed. A certified copy or the original document of the foreign adoption decree will serve in lieu of the otherwise required consents to the adoption. Once a Decree of Adoption is issued, the adoptive parents will receive a Certificate of Identification from the North Carolina Vital Records Office. The child's birth record will be recorded in North Carolina, though indicating the country of birth as it actually was. This will eliminate the necessity for the parents to attempt to obtain a new birth record for the child from the country of origin - often an impossible task. (See Adoption Checklists for Clerk, Attachment F) **NATURALIZATION OF A FOREIGN-BORN CHILD ADOPTED BY NORTH CAROLINA RESIDENTS** Adoption does not confer citizenship on the child being adopted. Therefore, it is important to file an application for naturalization of a foreign-born child adopted by North Carolina residents as soon as feasible with the US Citizenship and Immigration Services authorities. The process for naturalization may take up to two years from the time the application is made. **PROCEDURES FOR THE ADOPTION OF ADULTS** Any person who is eighteen or more years of age may be adopted in accordance with the provisions of N.C.G.S.§48, Article 5. This Article shall apply to the adoption of adults, including married and emancipated minors. In such an adoption, the rights, duties, and obligations of the adoptive parents and the person being adopted are the same as if the adoption had taken place before the adopted person's eighteenth birthday. There is no requirement for any social agency to make investigations and reports to the Court in these proceedings, as is required in the adoption of minors. The standard Petition for Adoption, used in the adoption of minor children, are	

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not used in adult adoptions. Courts are required to forward proceedings in these cases to the Division of Social Services to be permanently filed and indexed. (See Adoption Checklists for Clerk, Attachment F) **MAINTENANCE OF ADOPTION RECORDS** The child's agency and the adoptive parent's agency, whether the same or different, must maintain cross-reference controls on all adoption cases in a manner to allow for retrieval of a specific case, should need arise. These controls should be maintained with the same level of confidentiality as is observed in maintaining adoption records. An adoptive home record is set up according to agency policy governing all other case records and is retained permanently in a separate folder in a locked file under the name and case number of the adoptive parents. 10A NCAC 70H.0409. All adoption records are kept completely confidential. A child's adoption record should be constructed from the information contained in the family record and separated when adoption becomes the plan for the child as recognized by the court. An adoptive home case record is established for adoptive applicants at the time of their initial request for service. The record should include a summary of the services provided and a compilation of pertinent facts, with the necessary documentation from the time of the application for service through the completed legal process and termination of agency services. Information about the child is consolidated with the adoptive home case record after placement of the child in the adoptive home. **CONTENTS OF A CHILD'S RECORD** **The agency shall maintain an individual record for each child or sibling group that contains:** • Demographic information including name, address, sex, race, birth date, and birth place of child; names, addresses, telephone numbers, Social Security numbers, birth dates, races, religion, and marital status of the child's parents; the names, addresses, and telephone numbers of siblings and other significant relatives. • A record of the child's prior placements with names of caregivers, addresses, and dates of care; • Legal documents of importance to the child, including, a birth certificate; • All court documents including original petition and all subsequent motions and orders;	

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• Medical reports and psychological reports, including history, immunization records;
• Educational records and reports of school-age children, including IEP's when appropriate;
• A complete set of photographs of the child from the beginning of placement; Intake study that includes initial social assessment and background of family members and the circumstances leading to the decision to place the child;
• Case plans and case review documents;
• Dictation that reflects the dates and content of worker's visits with the child; the agency's involvement with the parents or legal custodian, including services offered, delivered, or rejected; and
• Legal adoptions documents:
  o Relinquishment of Minor for Adoption by Parent or Guardian, and Acceptance by Agency (DSS-1804).
  o Affidavit of Parentage (DSS-1809), if mother is unmarried;
  o copies of termination of parental rights petitions, orders, and supporting affidavits, etc., if - and as - necessary.
 	
CONTENTS OF AN ADOPTIVE HOME RECORD (AGENCY PLACEMENTS)
 	
Information Relating to Adoptive Applicants/Parents
 	
• Identifying information, or Face Sheet;
• Application form, if used by the agency;
• Medical reports for adoptive parents, current to within one year of child's placement;
• Verifications of marriage, divorce, as applicable;
• Dictation section:
  o Summary, dates, and content of contacts prior to and following approval for adoption until the Decree of Adoption is entered;
  o Assessment of home for placement of specific child, with reasons for approval or disapproval of the home for placement;
  o Discussion of background of child and notation of information shared with the adoptive parents;
  o Date of child's placement;
  o Dates of legal documents being filed with the Clerk of Court and received by the agency;
  o Discussion of the availability of adoption assistance and non-recurring adoption costs.	

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• Adoptive home preplacement assessment and summary of updated assessment of the home, when necessary, such as prior to placement of an additional child; • Documentation of criminal record check; • Typed summary of the adoptive home preplacement assessment; and • Autobiographies, child preference sheets, questionnaires, etc., if used by the agency; and • References. • Information Sharing Acknowledgement (DSS 5246) **Information Relating to the Child** • Summary of pre-placement study of child; • Medical record and/or reports on child before and after placement; • Psychological evaluations, if relevant; • Other diagnostic evaluations, as relevant; • School records, if applicable; • Background information on the child, including pertinent information about birth parents, siblings, and other relatives; • Non-Identifying Background Information Form (DSS-5102) and Adoption Health History Form (DSS-5103); and • Evaluation for the child's eligibility for adoption assistance. (DSS-5012) **Correspondence in Chronological Order** **Copies of Adoption Proceedings Appropriate to the Case** • Petition for Adoption (DSS-1800); • Copy of the Pre-placement Assessment; • Order Requesting Report to the Court (DSS-1807), received from the Court with the Petition; • Filed copy of Report to the court (DSS-1808); • Copy of Parent's Relinquishment, if applicable (DSS1804); • Copies of the Agency's or Parent's Consent, as applicable (DSS-1802);	

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• Affidavit of Parentage (DSS-1809);
• Termination of Parental Rights Order;
• Copies of divorce proceedings or of other court action, if needed, to rule out need for the legal or birth father's consent to the adoption;
• Decree for Adoption (DSS-1814); or Dismissal order (DSS1816), if the proceeding was dismissed;
• Filed copy of Report to Vital Records (DSS-1815) and;
• Notification of Adoption Indexing Letter
 	
CONTENTS OF AN ADOPTION RECORD-(STEPPARENT WHEN ORDERED BY COURT) AND RELATIVE
 	
Requirements differ for stepparent and relative adoptions in reference to the legal procedures and therefore the contents that must be maintained in a record also differ.
 	
• Identifying Information or Face Sheet;
• Documentation of criminal record check;
• References from at least three sources;
• Dictation section with documentation of all contacts with the adoptive parents until services are no longer needed.
• Correspondence in chronological order;
• Legal Documents:
  o Petition for Adoption (DSS-1800);
  o Order For Report on Proposed Adoption (DSS-1807), received from the Court with the Petition for Adoption
  o Filed copy of the Report on Proposed Adoption (DSS1808);
  o Decree of Adoption (DSS-1814)
  o Filed copy of the Report to Vital Records (DSS-1815)
 	
CONTENTS OF AN ADOPTION RECORD (INDEPENDENT PLACEMENT)
 	
All information listed in C above. With the addition of a copy of the preplacement assessment.	

Special Adoption Procedures

Protocol – What you must do	Guidance
RELATIONSHIP WITH PRIVATE CHILD PLACING AGENCIES To assure that all waiting children have every opportunity for placement, social workers should be familiar with and be able to access all available resources which include, in addition to public agencies, all private child-placing agencies, both in and out of state. **NORTH CAROLINA LICENSED PRIVATE CHILD-PLACING AGENCIES** All private child-placing agencies in North Carolina that are licensed by the Division of Social Services are available to provide adoptive placement for waiting children. The fees, costs and contracts associated with and required by these agencies vary. Due to these variations, social workers should contact the agency directly to discuss the referral process and purchase of service fee, if applicable. It should be noted that the Division has entered into a contract with some of the North Carolina private agencies and/or provides a grant or funds other services provided and available after placement. Services provided and available after placement also vary depending upon the agency and social workers must discuss and negotiate follow-up service responsibilities. **OUT OF STATE LICENSED PRIVATE CHILD PLACING AGENCIES** A number of specialized adoption agencies exists throughout the country which have become valuable resources in providing adoptive families for special needs children. Often these agencies do not charge fees to their adoptive applicants but rather charge the child's agency a fee for services. Workers should contact each agency directly to discuss the referral process and the fee for service. If a child is placed with an out of state family through one of these agencies, provisions of the ICPC apply. **PURCHASE OF OUT OF STATE ADOPTION SERVICES WHEN A FEE IS REQUIRED**	

Special Adoption Procedures

Protocol – What you must do	Guidance
With the objective of expanding adoption opportunities for some of North Carolina's children, State funds have been made available to assist county departments of social services with placement fees charged by specialized out of state agencies. Adoption Services may be purchased from out of state providers when adoption resources are not available for special needs children in the custody of a county department of social services. Purchased adoption services may include preplacement assessment, preparation of family, preplacement visits, placement services, post-placement services, recruitment, and adoption related legal services. (10A NCAC 70M.0501) **Fees** The maximum amount available from the Division is $1,800 per child. Since the fees charged by many of the specialized agencies may be more than $1,800, the child's agency will need to have funds budgeted for this purpose or have access to funds locally to complete the total amount of the purchase fees. The agencies base their fees on the actual average cost of the total services, which may include recruitment, preparation and assessment, training, post placement services and post finalization services. Many agencies are able to negotiate with the child's agency toward a fee somewhat lower than the actual average cost. **Procedures to Obtain Prior Approval and Reimbursement of Service Fees** Requests for assistance with payment of service fees should be submitted in writing to the Special Needs Adoption Coordinator of the Division of Social Services. The request should be sent at the point a decision has been reached to place the child with a specific family who has been studied and approved by the specialized adoption agency and when the two agencies have completed negotiations in regard to the total amount of the fee. Documentation of the total fee and of the following must be included in the letter of request: • that the county department making the request has legal placement and • consenting authority; • that the child is legally cleared for adoption; • that the child is considered hard to place due to such factors as age, race, • physical, mental or emotional handicaps, and/or due to being a member of a sibling group to be placed together; and • that the child is registered, with NC Kids Adoption and Foster Care Network, if a family has not been identified for the child.	

Special Adoption Procedures

Protocol – What you must do	Guidance
The Division of Social Services will notify the county department promptly of the action taken on its request for assistance with the adoption fee. If approval for payment is given, a copy of the signed Purchase of Adoption Services Agreement (DSS 5305) between the out-of-state adoption agency and the county department of social services must be sent to the Division of Social Services to document both the terms of the financial agreement and the approximate payment schedule. When partial or full payment for services from an out-of-state agency to a child approved to receive this benefit is due, the county department should notify the Special Needs Adoption Coordinator in Children's Services. A copy of the bill or statement received from the out-of-state agency must be attached to the notification. A check will be issued to the child's agency for the previously agreed upon amount. Following payment to the out-of-state agency, a copy of the receipt must be sent by the child's agency to the Division of Social Services for its files.	

Adoption Exchange

Definition	
The Adoption Exchange is a program provided by the Division of Social Services to assist local agencies, both public and private, in finding suitable adoptive families for special needs children in foster care awaiting adoption. An adoption exchange is a system of exchanging information with agencies about children available for adoption and about prospective adoptive parents. This is done through recruitment, the sharing of adoption referrals and information, photo listing, match/referral, and public education. These functions are carried out with NC Kids Adoption and Foster Care Network. The activities of NC Kids are intended to supplement, not replace the traditional methods of exchange of summaries among agencies or to replace referral or registration with child placing agencies. The use of NC Kids does not relieve the agency of responsibility of continuing efforts to find placement resources. **PURPOSE** The purpose of NC Kids is to help local agencies find permanent families for children with special needs who need adoptive placement, and to assist approved adoptive applicants in their search for waiting children. **NC Kids does not make the decisions regarding placement; rather they identify potential matches between a child and prospective family and notify the agencies involved of placement possibilities.** NC Kids is organized to facilitate adoption placements through adoption and foster care information and referral, match referrals, recruitment, public education and increased awareness of specific children and families through the photo listing service and other local and national public recruitment efforts.	

Protocol- What you must do	Guidance
ADOPTION INFORMATION MANAGEMENT SYSTEM (AIMS) DATABASE FOR ADOPTION NC Kids uses the Adoption Information Management System (AIMS) database to house information on waiting children with special needs and approved adoptive applicants willing to adopt special needs children. Among the children generally considered to have special needs are older children, children with mental, emotional and/or physical disabilities, and sibling groups. Information is obtained through	

Adoption Exchange

Protocol- What you must do	Guidance
individual registrations, sent in by local agencies, of children who need adoptive homes and by agencies on behalf of approved adoptive applicants. The purpose of maintaining a database of waiting children and waiting families is to facilitate the identification of permanent homes for the waiting children. To ensure that NC Kids will provide an effective program in the goal toward permanency planning, all waiting children must be registered within 30 days of becoming legally free for adoption. If an adoptive family has been identified, the adoption agency shall submit a written request for exemption in lieu of registration forms. Children may be registered with NC Kids and, at the same time, placed on referral to other appropriate resources, depending on the anticipated difficulty in effecting a placement. It is essential that NC Kids be promptly notified of any change in information on the children. In order for NC Kids to make referrals that are appropriate, current information on each child's registration is necessary. The pre-adoptive summaries of the children should always be accurate and up to date. All approved adoption applicants who are requesting adoption information on special needs children are to be registered with NC Kids upon approval of their pre-placement assessment, unless they are under consideration at that point for a specific child. **NC Kids will accept registrations only of those adoptive applicants who are requesting special needs children.** Adoption applicants should be informed by their social worker about the use of NC Kids in bringing parents and children with special needs together, just as they are informed about other procedures the agency may follow in the study and placement process. It is essential that NC Kids be notified of any change in information on the adoptive applicants. For example, many adoptive applicants will become more flexible regarding the type and number of children acceptable to them as they wait for a placement. Updating of this kind of information in the family's pre-placement assessment can be critical to the consideration of appropriate child matches. The local agency, having legal custody of the child, registers the child by submitting the appropriate registration forms: the NC Kids Child Registration Form (DSS-1820) or the Request for NC Kids Legal Risk Search (DSS-5225) to NC Kids. Either the agency that approved the adoption applicant or the adoption applicant can submit the NC Kids Family Registration Form (DSS-1821) to NC Kids for family registration. Once a signed copy of the pre-placement assessment and the DSS-1821 are received, families will be considered "active" for matching. By submitting these forms, local agencies authorize the inclusion of their client in the database, authorize public recruitment efforts unless legal-risk, and provide the information necessary for a meaningful referral. All NC Kids forms (DSS-1820, DSS-1821, DSS-5225 and the DSS-5303) may be obtained downloading the necessary forms from the NCDSS website at: http://info.dhhs.state.nc.us/olm/forms/forms.aspx?dc=dss.	

Adoption Exchange

Protocol- What you must do	Guidance
LEGALLY-FREE CHILD All children for whom adoption is the plan shall be registered with NC Kids within 30 days of becoming legally free by the agency having placement authority unless an exemption is granted by the North Carolina Division of Social Services. Requests for exemption of registering a child legally free for adoption should be forwarded to NC Kids for approval via the Request for Child Registration Exemption (DSS-5303). Agencies are required to submit updates on exemptions within the frames indicated. Reasons for registration exemptions include: • identification of an adoptive family for the child (approved for a period not to exceed six (6) months); • a child that needs diagnostic evaluation (approval for a period not to exceed six (6) months); • a child that is receiving mental health, medical treatment and has been determined by a qualified professional that it is not in the child's best interest to pursue adoption at this time (approval for a period not to exceed six (6) months and documentation by the child's provider must accompany the exemption request). When submitting the Request for Child Registration Exemption (DSS-5303) the agency is not required to submit either an adoption summary or a photograph of the child being considered for exemption. Once an exemption is received, NC Kids will respond to the submitting agency informing the agency of the child's exemption status. NC Kids will refer all registered children to regional and national exchanges, media outlets, websites and other publicity campaigns, as appropriate. Agencies will submit a completed Child Registration form, a pre-adoptive summary and one current quality photograph of the child. Due to the sensitive nature of the information obtained on the Child Registration Form (DSS-1820) and the child's pre-adoptive summary these documents, if submitted electronically, must be submitted in a secure (password protected) manner. Digital photos and the child's pre-adoptive summary that identify the child by name may be submitted electronically to NC Kids provided they are submitted in a secure (password protected) manner. A copy of the registration materials should be retained in the agency's file. Registration forms that do not contain current information and/or a recent quality photograph for public recruitment efforts will not be processed and the sending agency will be notified.	

Adoption Exchange

Protocol- What you must do	Guidance
The Child Registration Form (DSS-1820) is valid for one year. Agencies are required to submit an updated Child Registration Form, an updated preadoptive summary and a current photograph each year for as long as adoption is the plan and no home has been identified for the child. **LEGAL RISK CHILD** Children for whom adoption is the plan that are not yet legally cleared for adoption and for whom no permanent home has yet been identified may be submitted to NC Kids for a preliminary internal search for a legal risk adoptive home. These children will not receive public recruitment efforts and will not be listed on the Adoption Exchange website (http://www.dhhs.state.nc.us/dss/adopt/NCKids/index1.htm). These situations apply when the termination process has not been completed and the child is not yet legally free for adoption, or the termination of parental rights is on appeal. When children are not legally free for adoption, the agency's Director or designee must sign the registration form. The Request for Legal Risk Search form (DSS-5225) is completed for the legal risk children for whom the agency wishes NC Kids to do a preliminary search. To request a Legal Risk Search, the child's agency will submit the Legal Risk Search form (DSS-5225) and a pre-adoptive summary for the legal risk child to NC Kids. Once the Legal Risk Search form and summary are received, NC Kids will conduct a search of the database for families that match the child's criteria and have an approved pre-placement assessment. NC Kids will forward the child's profile to potential adoptive families and/or their agencies for review. If a family expresses an interest in a child, NC Kids will forward the family's information to that child's social worker for consideration. Digital photos that identify the child by first name may be submitted electronically to NC Kids provided they are submitted in a secure (password protected) manner. A copy of the registration materials should be retained in the agency's file. Incomplete registration packets will not be processed and the agency will be notified. **ADOPTION APPLICANTS**	

Adoption Exchange

Protocol- What you must do	Guidance
Agencies should register adoptive applicants with NC Kids after they have conducted an adoptive study, have assessed the applicants as being potentially suitable adoptive parents for children with special needs, and where no child is readily available to be placed with the family. Registrations should be limited to those applicants who have requested special needs children. In registering approved adoptive families, agencies should submit a current, certified copy of the family's pre-placement assessment to NC Kids. The Family Registration Form (DSS-1821) is also completed for the adoption applicants the agency wishes to register. The Family Registration Form (DSS-1821) and the family's pre-placement assessment will assist NC Kids in identifying any potential child matches for the family. Approved adoptive applicants registered with NC Kids will be able to make child-specific inquiries, receive referrals and be included in the NC Kids matching program. NC Kids will notify the family's agency of any potential matches and completed family referrals. The completed Family Registration Form (DSS-1821), and the family's current pre-placement assessment should be mailed to NC Kids. **NC KIDS INFORMATION AND REFERRAL SERVICE** NC Kids Information and Referral provides callers without pre-placement assessments detailed information on the adoption and foster care process and refers them to their local county department of social services or licensed private agencies for services. Counties are encouraged to keep NC Kids informed of the specific county representative they wish families to contact. NC Kids is able to provide support for agencies during recruitment campaigns or help publicize local foster care/adoption events on the website: http://www.ncdhhs.gov/dss/adopt/index.htm. NC Kids provides callers who have approved pre-placement assessments on file with NC Kids specific information on the waiting children. If families meet the preferences and the family would like to be considered as a potential placement resource, a referral is made to the child's social worker. NC Kids also assists social workers by identifying appropriate prospective adoptive families based on the information provided on the pre-placement assessment and the Family Registration form. NC Kids is able to provide services to the Hearing-Impaired and non-English speaking individuals. **WEBSITES**	

Adoption Exchange

Protocol- What you must do	Guidance
Legally free children registered with NC Kids will be submitted to North Carolina's section of the AdoptUsKids website located at: http://www.adoptuskids.org/states/nc/. Inquiries from the website are directed to NC Kids. The NC Kids Program Consultants provide general information to prospective families or a family's social worker. Families with pre-placement assessments on file with NC Kids will be given more specific information and may be referred to the child's social worker for consideration. Because legally free registered children will be featured on the National Adoption Exchange, AdoptUsKids, and receive national exposure, the child will receive interest from families across the nation. All families, regardless of location, should be considered as a potential placement for the child unless an exception has been approved by the local county department of social services. **MEDIA CAMPAIGN** The media is another recruitment tool for children who are currently waiting for permanent homes. NC Kids partners with television stations, newspapers, associations and organizations to feature specific children and/or run public service announcements. The purpose of featuring the waiting North Carolina children in print and broadcast media is to increase their chance of finding a permanent home. Each child has the opportunity to be seen by potential families watching television, reading the newspaper or viewing media websites. NC Kids coordinates child specific media features and is responsible for working with the media outlet and the child's worker to schedule the media event. Counties can request additional media exposure at any time. Families interested in children featured in the media can call the toll-free NC Kids Hotline. The NC Kids Program Consultants provide general information to callers and sends the referral to the child's social worker for consideration. **MATCH REFERRAL** Match Referral is a staff-assisted program that links waiting children for whom adoption is the plan with families seeking to adopt them. A match is identified by comparing the characteristics of a child or sibling group with the characteristics requested by families. Matching services are designed to bring together waiting children and prospective adoptive parents. This match criterion is based on the information contained on each registration form and for families with a current certified pre-placement assessment on file with NC Kids.	

Adoption Exchange

Protocol- What you must do	Guidance
Upon receipt of the Child Registration Form (DSS-1820), NC Kids will search the database for potential family matches for the child. The potential matched family and their social worker(s) will be notified. The child's social worker will receive a list of these possible matches. Upon confirmation of the family's interest, the family's preplacement assessment will be submitted to the child's social worker. Upon receipt of the Family Registration Form (DSS-1821) and a family's pre-placement assessment, NC Kids will search the database for potential matches of children for adoptive families when requested. The family's social worker and family will be notified of the potential matched children. Upon confirmation of the family's interest, the family's pre-placement assessment will be submitted to the child's social worker. **PUBLIC EDUCATION AND OUTREACH** NC Kids provides education and outreach efforts statewide to the general public and community agencies and partners on foster care and adoption. Outreach efforts increase awareness and assist with the recruitment of prospective families to serve waiting children. **HEART GALLERY** The Heart Gallery is a collaborative effort between NC Kids, local departments of social services, businesses and photographers from across North Carolina that volunteer their time and talent in capturing children's personalities in portraits to raise awareness and support for adoption. Heart Gallery photos are displayed statewide in a variety of venues. All legally freed children registered with NC Kids are eligible to participate within this recruitment event. Consent to participate within the Heart Gallery must be secured from the local agency who has legal custody of the child. If your agency would like additional information on businesses or photographers participating in the Heart Gallery or to find out more about the venues in which these photos are displayed, please contact the NC Kids staff. **PROCEDURE AFTER REFERRAL IS RECEIVED FROM NC KIDS**	

Adoption Exchange

Protocol- What you must do	Guidance
PROMPT EVALUATION OF REFERRAL AND EXCHANGE OF SUMMARIES When NC Kids receives an inquiry regarding a child appearing in a public recruitment effort or confirms interest from their internal match service, a notification will be sent to the child's agency and also to the agency representing the inquiring party. It is the responsibility of those agencies identified through the match process to explore any placement possibilities. After receiving the referral from NC Kids, the social worker should contact the family immediately to acknowledge their interest and obtain additional information. The social worker should determine if an approved family with a current pre-placement assessment could be selected. If an approved family cannot be selected and there are families without pre-placement assessments who are interested in the child, it is suggested that the child's social worker make contact with these families to assess their appropriateness as a placement resource. If a family without a pre-placement assessment is identified, the child's social worker should negotiate with the family's county department of social services or a private adoption agency to complete the preplacement assessment. In regard to cases referred from NC Kids, the respective local agencies must notify NC Kids of any placement that results from or of any decision regarding the referral. This may be done verbally or in writing. Remember, if identifying information is submitted electronically, it must be submitted in a secure (password protected) manner. In every case where placement seems a possibility, each agency should submit a Child Pre-Adoptive summary and the family's pre-placement assessments to the other agency without delay. It is strongly recommended that the summaries be exchanged within two weeks after the referral is received. A decision to proceed with placement planning will ultimately be made from information contained in the summaries. **WITHDRAWAL OF REGISTRATION** When waiting children or adoptive applicants who have been registered with NC Kids are no longer available for placement, this should be reported promptly to NC Kids by the responsible agency or family. This can be done by written or verbal communication to the hotline. Remember, if identifying information is submitted electronically, it must be submitted in a secure (password protected) manner.	

Definition	
For many members of the adoption triad - adoptee, adoptive family, and biological family the process of adoption has severed ties and formed bridges to new connections. While there is a celebration of new family beginnings and relationships there are often losses associated with the disconnection from biological family and relationships. Adoption is a lifelong process that doesn't end with the finalization of the adoption. Members of the adoption triad continue to process the adoption and often have many unanswered questions that permeate their lives. Many desire to know the identity, current life circumstance and/or updated medical information of the individual lost through adoption. Historically, individuals seeking the release of identifying information could do so only by filing a written motion before the clerk of court of original jurisdiction, pursuant to G.S. § 48-9-105. This statute remains unaffected by the amendments made to G.S. § 48-9-104 (b) and can still be used, in lieu of Confidential Intermediary (CI) services, for the purposes of obtaining identifying information or for appointment of a confidential intermediary for those not entitled to contractual CI services. The North Carolina General Assembly in Session Law 2007-262; House Bill 445 initially amended G.S. § 48-9-104, Release of Identifying Information, to add subsection (b), in 2008. Further amendments to this statute broaden the eligibility of those who may request CI services, effective October 1, 2010. This legislation provides that a child-placing agency licensed by the North Carolina Division of Social Services (Division) or a North Carolina county department of social services may agree to be a Confidential Intermediary (CI) without the need for an appointment order from the court for the following: **Biological Parent**: by facilitating contact or the sharing of non-identifying and/or identifying information with adult adoptees with the written consent of the parties to the contact and/or the sharing of information. **Adult Adoptee**: by facilitating contact or the sharing of non-identifying and/or identifying information with biological parents with the written consent of the parties to the contact and/or the sharing of information. **Adult Biological Sibling of an Adult Adoptee:** by facilitating contact or the sharing of non-identifying and/or identifying information with biological siblings of an adult adoptee with the written consent of the parties, **including that of an any living biological parent(s),** to the contact and/or the sharing of information. **Adult Biological Half Sibling of an Adult Adoptee;** by facilitating contact or the sharing of non-identifying and/or identifying information with biological half siblings of an adult adoptee with the written consent of the parties, **including that of an any living biological parent(s),** to the contact and/or the sharing of information.	

Adult Family Member of a Deceased Biological Parent: by facilitating contact or the sharing of non-identifying and/or identifying information with a spouse, child, stepchild, parent, stepparent, grandparent or grandchild of a deceased biological parent with the written consent of the parties, **including that of an any living biological parent(s),** to the contact and/or the sharing of information. **Adult Family Member of a Deceased Adoptee:** by facilitating contact or the sharing of non-identifying and/or identifying information with a spouse, child, stepchild, parent, stepparent, grandparent or grandchild of a deceased adoptee with the written consent of the parties, **including that of an any living biological parent(s),** to the contact and/or the sharing of information. **Adoptive Parent:** by obtaining and sharing **only** current non-identifying birth family health information for a minor adoptee with the written consent of the parties to the sharing of non-identifying information. The CI agency can choose to provide services to one or more of these categories of individuals listed above.	

Protocol- What you must do	Guidance

WHO IS ELIGIBLE TO ACCESS CONFIDENTIAL INTERMEDIARY SERVICES
 	
ELIGIBILITY FACTORS
 	
• The adoption decree must have been issued by a North Carolina court of competent jurisdiction. Adoptions finalized outside of the state of North Carolina are subject to the laws of that state. G.S. § 48-9-104 (b) does not supersede the laws of another state, regardless of whether a North Carolina agency held custody of the child prior to the finalization of the adoption. If the adoption was finalized in North Carolina, the North Carolina Confidential Intermediary laws apply, no matter where the child came from.
• In order to be eligible to receive the Confidential Intermediary Services, an individual must be:
  o an adoptee who is 18 years old or older
  o a birth parent of an adoptee who is now 18 years old or older.
  o a person who is 18 years old or older and is the biological sibling of an adoptee who is now 18 years old or older.
  o a person who is 18 years old or older and is the biological half sibling of an adoptee who is now 18 years old or older	

Protocol- What you must do	Guidance
o a person who is 18 years old or older and is a family member of a deceased adoptee o a person who is 18 years old or older and is a family member of a deceased biological parent. o an adoptive parent of a minor adoptee who is accessing this service to try and obtain only non-identifying medical information from the birth parents. Note: Family member is defined as a spouse, child, stepchild, parent, stepparent, grandparent or grandchild. **CONFLICT OF INTEREST** If an eligible individual works for the agency that handled the adoption, there is a potential for a conflict of interest. The agency for which the individual works should refer him to another DSS or licensed adoption agency. The agency may also determine what other relationships may be a conflict, such as members of the local DSS Board, Board of Directors for the licensed adoption agency, etc. **VERIFICATIONS OF IDENTITY AND RELATIONSHIP** Before a CI agency enters into a CI agreement with an individual, the CI agency must verify the identity of the individual. To establish identity, the document must provide information related to the person named on the document. A government-issued picture identification card is the most reliable method of verifying identity. Examples of such cards are United States passports, driver's licenses, military ID's, school ID's, etc. If the individual does not have a government-issued picture identification card, it is permissible to accept three or more documents that reasonably corroborate the identity of the individual. These documents must contain the individual's name, plus any additional information establishing the individual's identity. Acceptable documents include high school and college diplomas from accredited institutions, marriage certificates, divorce decrees, property deeds/titles and employee identification cards. All documents used must contain consistent identifying information. In order to permit release of any identifying information to an adult adoptee, a biological parent, an adult sibling or half sibling of an adult adoptee, an adult family member of a deceased adoptee or an adult family member of a deceased biological parent, the relationship of the lineal descendent to the adoptee or biological parent must also be verified in addition to identity verification of the applicant. Relationship verification should be verified through certified birth, death and/or marriage certificates. Flexibility is possible in those cases where a certified copy is no longer available. The CI agency will determine if copies that are not certified are acceptable. Examples of possibly acceptable documents that are not certified may include hospital-issued documents, mother's copy of the birth certificate, funeral home documents, newspaper obituaries, etc.	

Protocol- What you must do	Guidance
In cases where an individual contacts the Division of Social Services Adoption Review Team directly, staff with the Adoption Review and Indexing Team will verify the identity and relationship of the individual in the same manner as above, prior to the release of information. **AGENCIES SERVING AS CONFIDENTIAL INTERMEDIARIES** **WHAT AGENCIES CAN ACT AS CONFIDENTIAL INTERMEDIARIES** Only county departments of social services or child-placing agencies licensed by the NC Division of Social Services may act as a CI agency. It is entirely voluntary on the part of the individual county department of social services or licensed adoption agency as to whether they will act as a CI agency and provide these services. It is also the decision of the individual county department of social services or licensed adoption agency as to what services they will provide and for whom. Some agencies may decide to provide services only to those individuals whose adoption case was handled by their agency. Others may choose to provide CI services to anyone. Some agencies may decide to provide CI services to adult adoptees only and others may decide to serve all of the eligible categories of individuals. **FEES FOR CONFIDENTIAL INTERMEDIARY SERVICES** Agencies acting as a Confidential Intermediary may set their own fee for this service. CI agencies will need to develop a fee structure that can be supported by reasonable and customary cost methodology. The actual fees charged will need to take into consideration the specific task being performed, and the role of the staff person performing the task. Some of the activities to be considered in developing a fee structure include: • Providing initial consultation regarding the agency's policy in addressing the changes to the laws. • Conducting an in-house record review and a search for the person listed above, including, but not limited to, an Internet based search; • Initiating contact with any person found in an attempt to obtain current nonidentifying health and background information; and/or • Ascertaining that person's willingness to share identifying information or have contact with the individual.	

Protocol- What you must do	Guidance
• Providing the intermediary services needed to ensure all parties are addressing the psycho-social issues in a healthy and productive manner. Once activities have been identified, there should be consideration about the staff and overhead costs involved when developing a fee structure. It is recommended that agencies use a similar process to other fees set by the agency and consult with other agencies serving as Confidential Intermediaries as needed. Agencies should consider all potential services to insure the fee developed encompasses all relevant costs. Consideration should be made regarding circumstances where the individual being sought is deceased as an additional fee for acquiring a death certificate may be necessary. County departments of social services should specifically reference G.S. §108A10 for statutory requirements regarding fees. At the CI agency's discretion, the fee structure may include circumstances for which fees may be waived or reduced, for example, for indigent individuals. Written information regarding the CI agency fee structure must be available to anyone inquiring about CI services. Applicants must be provided with a written copy of the fee policy. Note: Fees for CI services may not be charged in situations where the person requesting the information is entitled to it pursuant to statute or when the agency is required by statute to make an effort to find someone in order to share specific information. The agency must provide non-identifying information, upon request, to an adoptive parent or adult adoptee. (G.S. § 48-9-103(a)) The agency may provide non-identifying information about the adoptee's present circumstances, if known, to a birth parent, adult birth sibling or guardian of a minor birth sibling. (G.S. § 48-9-103(f)). In both these instances, the agency may only charge a reasonable fee for locating and making copies of this non-identifying information. (G.S. § 48-9-103(g)) Additionally, if an agency receives information from the adoptee's birth parent or family about a health or genetic condition that may affect the health of the adoptee or the adoptee's child, the agency must make a reasonable effort to contact and forward this information to an adult adoptee or the adoptive parent of a minor adoptee. G.S. § 48-9103(e). This service must be provided without charge. **REPORTING COUNTY SOCIAL WORK TIME** Effective January 1, 2008, two new Service Codes for the DSS-4263, Day Sheet have been established. These codes are 017 – Adoption Access (CI) and 018 – Adoption Access (CI) Case Management. (Refer to SIS Change Notice 03-07 for full instructions.) These codes are	

Confidential Intermediary

Protocol- What you must do	Guidance
to be used by county staff to document activities and services to clients when acting as Confidential Intermediary in response to requests for access to Adoption records on behalf of an adult adoptee or their adult lineal descendant (if the adoptee is deceased). 017 – Adoption Access (CI) This code should be used to report activities such as responding to inquiries, Intake, providing general services, program management and other non-client-specific activities related to acting as Confidential Intermediary. Also, this is the code that should be used if one county DSS is responding to a request for searching agency records for a CI agency. Use on the DSS-4263 (no Client ID required). It is valid with Program Code N. 018 – Adoption Access (CI) Case Management This code should be used, upon opening a case, to document client-specific activities such as records research and review, travel, case management, providing information and support, and other activities associated with serving as Confidential Intermediary. Use on the DSS-5027, DSS-4263 (Client ID required) and the DSS-1571 Part IV (Client ID required) when reporting purchased services. It is valid with Program Code N. Note: These Service Codes, when reported on the DSS-4263 Worker Daily Report of Services, must be changed to Program Code N – Non-DSS Reimbursable. Instructions for the DSS-1571 Part I and IV will be provided by the Controller's Office. Other Changes DSS-5027 Field 18: "State Use" code "1" - "Indigent Recipient" has been added to. This code is to be used when it has been determined that the individual for whom the agency is providing Adoption Access Case Management services is unable to pay. **CONFIDENTIAL INTERMEDIARY PROCESS** An individual seeking CI services may initially contact an agency by telephone, mail or in person. The agency should be prepared to answer initial questions regarding eligibility and the process. Information such as cost, time frames involved and possible outcomes can be generally discussed with the prospective individual seeking CI services. The agency contacted may decide not to serve as a confidential intermediary. In that case, the agency should refer the individual to a list of licensed adoption agencies and county departments of social services that have designated themselves as CI agencies. This list is maintained on the Division website at: http://www.ncdhhs.gov/dss/adoption/index.html Even if a county department of social services or licensed adoption agency decides not to provide Confidential Intermediary Services, they may still be contacted by another agency providing those services seeking information from the agency record. All of these agencies should be prepared to respond to these requests, even if it is to refer the requesting agency to the Division of Social Services, Adoption Review Team.	

Confidential Intermediary

Protocol- What you must do	Guidance
Once an individual determines that he/she is ready to pursue CI services from a CI agency, the individual will be given and asked to complete an Application for Confidential Intermediary Services (DSS 5031-ia), which must be notarized. A Confidential Intermediary Agreement will also be completed by both the individual and the agency (DSS-5030-ia). This Agreement will outline the expected services and will state plainly the fees for the services. The agency will provide the individual with a signed copy of all forms. Agencies Services will include the following: • conduct an in-house record review and a search for the person sought, including, but not limited to, an Internet based search; • initiate contact with any person found in an attempt to obtain current nonidentifying health and background information; and/or • ascertain that person's willingness to share identifying information and/or to have contact with the individual. Before a CI search for any adult sibling or half sibling of an adult adoptee, an adult family member of a deceased adoptee or an adult family member of a deceased biological parent may be initiated by an agency the written consent of any living biological parent must first be obtained. In the event that confidential intermediary services are provided to the adoptive parent of a minor adoptee in accordance with G.S. § 48-9-104 (b), the agency's role shall be limited to a search for the adoptee's birth parents to obtain current non-identifying health and background information. The CI agency must not share identifying information and need not ascertain the person's willingness to have contact with the minor adoptee. If the birth parent indicates a willingness to have contact with or be identified to the adult adoptee in the future, this intent can be documented in the CI file in case future CI services are requested by the adult adoptee. In addition to the CI Services Application and Agreement, the Release of Liability and Agreement to Hold Harmless form (DSS-5033-ia) must also be signed by the applicant for CI Services and notarized. It is suggested that any search pursuant to this agreement will be conducted for a period of 90 days, after which a written report will be sent to the individual with the results of the search thus far. At that point the CI agency and the individual will need to determine whether they each wish to continue or amend the search process and renegotiate fees, or terminate the search services. In the event the individual sought has been located and agrees to contact with the applicant, county departments of social services and licensed adoption agencies should respond within 30 days to any request to facilitate that contact.	

Protocol- What you must do	Guidance
RESOURCES FOR SEARCHES Systems restricted by federal or state confidentiality laws and guidelines cannot be used for these searches. Any public record can be used, such as DMV or tax records. Internet search engines and public or private sites can be used at the agency's discretion. There is, however, a cost for the use of some of these sites. Clarification has been obtained that CI agencies may not access Child Support Enforcement for access to their information in conducting searches, as this access is not legally permissible. **SUPPORTIVE SERVICES** County departments of social services and licensed child-placing agencies that choose to act as CI agencies should designate an individual or a unit to handle the CI requests and services. This process could be emotionally difficult for some people, and the staff designated to provide the CI services need to be adequately trained to manage these cases with sensitivity and social work skill. When an agency agrees to provide CI services, time should be spent with the person seeking those services discussing possible outcomes and helping them manage their expectations. The agency should also continue to assess the person's needs as the process continues. There are several possible outcomes in the provision of CI services to the individual requesting the services: • Updated non-identifying information • Unsuccessful attempts to locate or contact anyone • Persons are located but may be unwilling to consent to releasing information or to contact with the person seeking the CI services • Persons are located and agree to meet with the person seeking the CI services • Information indicates that the person being located is deceased Regardless of the outcome, the agency should continue to be supportive of the person and assess their needs throughout the process. If services needed to support the individual are not available within the CI agency, appropriate referrals to community services should be offered. Also, the CI staff who makes contact with the individual being sought should be prepared to address a variety of potential circumstances, such as:	

Confidential Intermediary

Protocol- What you must do	Guidance
• The individual being sought for identifying information may welcome the contact and be open to the request for information or to a potential meeting. • A birth parent being sought may now have a family with whom they have never disclosed the fact that they had a previous child that was adopted. Some of the birth parents may have released their child for adoption voluntarily, or they may have had their rights terminated. In either case, the CI staff making the contact should be prepared for potential reactions. • An adult adoptee being sought may not know that they were adopted. This disclosure may be traumatic for many reasons. Care should be taken in approaching any adult adoptee for the first time. CI agencies are encouraged to develop a method for initial contact with adult adoptees. For example, it may be advisable to begin with a request for the person to contact the CI staff in person regarding a family matter. • A birth parent being contacted by a lineal descendent of a deceased adoptee may face issues of grief and loss in learning that their child is deceased. • A person contacted may, in fact, not be the actual person being sought. Regardless of the circumstance, the agency should be supportive of these persons being contacted also and assess their needs throughout the process. If services needed to support the individual are not available within the CI agency, appropriate referrals to community services should be offered. Throughout the process of a CI search the agency is responsible for ensuring that confidential information remains protected and agencies must contact individuals in a manner reasonably calculated to prevent incidental disclosure of confidential information. **FACILITATING A MEETING** The CI agency may act in the role of facilitator when a meeting between parties is requested. The agency representative should prepare all parties involved carefully before the meeting. In addition to arranging the meeting, the agency representative should provide introductions and help guide the discussion during the visit. The agency should provide good social work practice that includes assessment and support long enough to determine if there is a need for additional services. It may be necessary to spend additional time after the meeting helping individuals process the results the meeting and what it may have meant for them. If at any time a more significant need is identified, the agency representative should discuss available services through referral and help facilitate contact with the appropriate referral agency.	

Confidential Intermediary

Protocol- What you must do	Guidance
When acting as the confidential intermediary for an individual, CI agencies must be sensitive to the sharing of identities and the impact of those revelations to the individual. To that end, agencies should thoroughly process the information and discuss the intended and unintended consequences with the individual. CI agencies may offer limited social work counseling to the individual but should also refer the individual to professional counseling services if needed. **INDIVIDUALS SEEKING THE SERVICES OF A CONFIDENTIAL INTERMEDIARY** **AUTHORIZED DISCLOSURES** If the individual seeking the services of a CI does not know the agency that handled the adoption, they should be advised to submit a request for assistance in identifying the agency that approved the adoption to: NC Division of Social Services Adoption Review Team 820 South Boylan Ave. Mail Service Center 2425 Raleigh, NC 27699-2425 Attn: CI Services If the individual knows the agency that handled the adoption, they may contact that agency directly. However, it should be understood that agency participation in CI services is voluntary. A complete listing of county departments of social services, agencies can be found on line at: http://www.dhhs.state.nc.us/dss/local/index.htm. A complete listing of North Carolina licensed adoption agencies can be found at: http://www.dhhs.state.nc.us/dss/licensing/listings.htm. Once there, click on the "Adoption Agency" link.	

Confidential Intermediary

Protocol- What you must do	Guidance
A listing of all of the agencies that have agreed to provide Confidential Intermediary Services can be found at: http://www.ncdhhs.gov/dss/adoption/index.htm In adoption cases where one or more agencies were involved in the adoption, an individual may contact either in their quest to search for updated health/non-identifying information or the sharing of identifying information. However, they should begin with the agency that approved the adoption. If the individual has solicited the services of a CI agency, and the CI agency requires the assistance of the Division in obtaining this agency information, the CI must provide to Adoption Review Team a copy of the Confidential Intermediary Agreement and Application for Confidential Intermediary Services. The Adoption Review Team will need these documents to show proof of the CI's involvement and to search for requested information. The Adoption Review Team will research the information and provide the name of the county department of social services or licensed adoption agency that handled the adoption. If the county department of social services or licensed adoption agency cannot locate the records for the client, the agency can submit a request by fax to the NC Division of Social Services, Adoption Review Team, attention CI Services. The fax number is 919-733-1123. An agency acting as a CI agency but that did not approve the adoption can request information directly from the county department of social services or licensed agency that did approve the adoption. The CI agency must provide to that agency a copy of the Confidential Intermediary Agreement and Application for Confidential Intermediary Services forms. The agency will need these documents to show proof of the CI's involvement and to search for requested information. The agency that approved the adoption may require the CI agency to pay a fee for their search for the requested information, pursuant to G.S. § 48-9-103 (g), which states: "the Department, the court, or agency may charge a reasonable fee for locating and making copies of a report or information. If the CI agency is unable to obtain needed information from the agency that approved the adoption, the CI agency should contact the NC Division of Social Services, Adoption Review Team. Any CI agency can request information directly from the NC Division of Social Services, Adoption Review Team, even if they were not the agency that approved the adoption. The agency will need to submit a copy of the Confidential Intermediary Agreement and Application for Confidential Intermediary Services and forms. The forms can be mailed or faxed to the Division.	

Confidential Intermediary

Protocol- What you must do	Guidance
WHEN A SEARCH RESULTS IN SUCCESSFUL LOCATION If the CI agency locates the individual they are searching for, the CI agency will determine their desire to provide updated non-identifying medical information, to share identifying information and/or to have personal contact. If the person being contacted agrees to releasing information or to the CI agency facilitating contact with the other party, both that person and the initial applicant for CI services will be required to sign Consent to Release of Information And/Or Contact forms (DSS-5032-ia). If the identified party consents to release of identifying information, updated non-identifying medical information and/or personal contact, they will also be required to sign the Release of Liability and Agreement to Hold Harmless form. The Confidential Intermediary will then facilitate this sharing of information or contact as specified by the person being contacted. Depending on what is specified, the Confidential Intermediary will provide: • Non-identifying health information in writing. • Identifying information in writing. • Facilitation of contact between parties. Face to face contact shall take place at the CI agency in an appropriate space, such as a visitation room. Telephone contact may be an option. Staff facilitating the contact should provide introductions and remain available to any of the participants. The Confidential Intermediary is not responsible for any contact between parties beyond the first contact. If the identified party refuses to participate in the sharing of identifying information or if the search does not uncover any possible contact information, the Confidential Intermediary must document this and provide a response in writing to the person originally seeking information or contact. The Division recommends that this should not exceed 90 days without a subsequent agreement between the Confidential Intermediary and the client.	

Confidential Intermediary

Protocol- What you must do	Guidance
It is important to recognize that the CI law does not open confidential adoption records. Nothing in CI law allows the release of any adoption records in the possession of an agency or the Division, or information from those records, except non-identifying information that may be released pursuant to G.S. 48-9-103. The adoption records remain confidential and disclosure is subject to court order under G.S. 48-9-105. **WHEN A SEARCH RESULT DETERMINES AN INDIVIDUAL IS DECEASED** If the CI search reveals that the person who is the subject of the search is deceased the Confidential Intermediary may obtain a copy of the death certificate from the State Registrar and deliver it to the person who initiated the search, however, collateral information obtained about the cause of death or other birth or adoptive family information may not be disclosed since consent to do so cannot be secured except upon the order of release of information to the petitioner by the Clerk of Court. If a birth parent discloses information to the CI about how to locate the other birth parent, the CI is obligated to obtain a notarized Consent of Release of Information And/Or Contact from the other birth parent before that person's information can be shared with the adult adoptee or lineal descendent of a deceased adoptee. The CI is not responsible for disclosure of information between parties. **CONFIDENTIALITY AND STORAGE OF RECORDS** CI records are confidential and the CI agency must follow the same protocol for maintaining confidentiality and storage of CI services records as is used with closed adoption records) http://info.dhhs.state.nc.us/olm/manuals/dss/csm-50/man/CSs1303.pdf).	

Adoption Services Post Adoption Services

Definition	
As a result of several system reforms through the MRS, SOC, statewide initiatives and the philosophy that every child deserves a permanent family, there has been a dramatic increase in adoption of children with special needs in this country. This increase has focused attention on the needs of families after they adopt children with special needs. Some families require agency involvement throughout the child's minority while other families require services on a periodic basis. All families need the assurance that supportive services will be available and encouragement to participate in ongoing educational and training events. In recognition of the need for post-adoption services in this country, Congress included a provision for adoption promotion and support services in the Adoption and Safe Families Act of 1997. North Carolina Administrative Rules 70H.0201 and 70M.0301 includes services to biological parents, adoptive parents and adopted children, or adult adoptees following entry of the decree of adoption in the definition of an adoption caseload. Post-adoption services should be designed to address issues that developed before or after the Decree of Adoption. It is not a continuation of supervision, but services provided as needed and requested by any of the parties in an adoption. **The agency shall make post-adoption services available to every adoptive family, as appropriate.** The Department of Social Services in the county where the family resides is the agency responsible for providing post-adoption services. This is true even if the agency neither placed the child nor supervised the placement. However, the placement agency and the resident county should work together to do what is most helpful for the family, regardless of what agency has responsibility for the child.	

Protocol- What you must do	Guidance
CHILDREN PLACED FOR ADOPTION FROM THE FOSTER CARE SYSTEM IN NORTH CAROLINA **RECOMMENDED SERVICES:** **Information and Referral** These services include responding to questions, maintaining a list of mental health providers and Medicaid providers, maintaining a list of respite care services, and providing financial assistance information or other information on issues presented by the family. Careful and individualized attention given to each family's particular needs, strengths and circumstances must be taken into consideration in order for these services to be most effective.	

Adoption Services Post Adoption Services

Protocol- What you must do	Guidance
Families may be referred to some of the many websites regarding adoption services. Some of them include the National Adoption Center at http://www.adopt.org, AdoptNet information, Resources and Support for adoptive and foster families at http://www.adoptnet.org, the North American Council on Adoptable Children at http://www.nacac.org/ and an extensive listing of adoption links at http://www.adopting.com and The National Adoption Information Clearinghouse at http://naic.acf.hhs.gov/pubs/adoption_gip_three.cfm. **Case Management and Service Planning** Coordinating all services to child and family that are appropriate, assessable and not replicated. **Advocacy** Advocacy includes activism at the local and state level to evaluate needs, to maintain awareness of the issues facing adoptive families, and support for new, improved and expanded services for individuals and groups of children and families. **Support** The challenges of parenting special needs children may continue throughout their lives. New issues may arise as children face each developmental stage. While adoptive families are expected to take the lead in making provisions for services, agency involvement may be crucial to access needed resources and to provide support. Agency services may range from phone calls or home visits on a regular basis to intensive involvement with the family. **The Provision of Non-identifying Background Information** Agencies receive many requests from adopted children, adoptive parents, and biological family members for information to assist them in the search for the other party. Often those who seek information are not aware of the county or agency responsible for the placement. If the agency is unable to ascertain where the adoption took place, the agency should contact the Division of Social Services, Adoption Review and Indexing Services to see if the adoption occurred in North Carolina. If the adoption occurred in this state, the	

Adoption Services Post Adoption Services

Protocol- What you must do	Guidance
Division representative will refer the person to the public or private agency that made the placement. It is the responsibility of that agency to provide the information. (See Article 9 of Chapter 48 for the law on confidentiality of records and disclosure of information. Further law on prohibited practices in connection with adoption is in Article 10. Guidance on what can be released and to whom nonidentifying information can be given is provided in the "Legal Guides" section above). The National Adoption Information Clearinghouse is a resource on searching for birth relatives. Their website is http://www.childwelfare.gov/ **Confidential Intermediary Search** Adoptees 21 years or older may request the services of private adoption agencies or county departments of social services to provide confidential search for members of their birth family to obtain and share non-identifying birth family information, facilitate contact or share identifying information with adult adoptees, adult lineal descendants with deceased adoptees and biological parents with the written consent of all parties to the contact or sharing of information. Agency may also share non-identifying information with adoptive parents of minor adoptees. There may be a fee for confidential intermediary services. See the "Confidential Intermediary Search" section above. **Education** Educational issues may present many challenges to adoptive parents. Support may include parent training, parent mentors, educational materials, newsletters, opportunities for attendance at local or national conferences, accompanying parents to school conferences, support groups, and respite care. **Family Building Activities** Examples are adoption celebrations, retreats, recreational and social events, pairing families in a buddy system, retreats for adopted parents and/or children, and similar planned events that provide opportunities for adoptive families and children to meet others and develop networks for support. Camps or similar events to provide opportunities for adoptees to be with siblings who are adopted by other families or who remain in foster care are other examples of family building activities.	

Adoption Services Post Adoption Services

Protocol- What you must do	Guidance
Respite Care A respite care program involves planned activities that allow parents and children to have time for themselves. Occasional child care, weekend visits or some of the family building activities offer opportunities for parents and children to have time away from each other. Often foster parents who have adopted children have networks for respite care. The agency can assist in providing county funds or formalizing a respite care program with the foster parent association, mental health or other child care providers in the community. If a child receives adoption assistance, the vendor payments can be used for respite care. **Intensive and Long-term Family Services** In collaboration with mental health services, multidisciplinary teams can pool knowledge and resources to meet the physical, psychological, and behavioral needs of children and families. The concerted efforts by caring professionals may be the only means of keeping an adoption intact. **RETURN TO FOSTER CARE FOLLOWING AN ADOPTION DISSOLUTION** As with all other children who enter the foster care system, eligibility and determination of eligibility is based on the circumstances of the child's family. The fact that a child received IV-E adoption assistance benefits in the adoptive home does not make him/her eligible for IV-E benefits in foster care. However, if a child received IV-E adoption assistance benefits in a prior adoption, he/she is eligible for IV-E adoption assistance in a subsequent adoption regardless of the source of foster care funding following the dissolution. (Refer to Appendix 3.6: Adoption Assistance Funding for funding sources for readopted children). **RESOURCES FOR FAMILIES OF CHILDREN WITH SPECIAL NEEDS WHO WERE PLACED FOR ADOPTION BY PUBLIC OR PRIVATE AGENCIES IN NORTH CAROLINA** **MONTHLY ADOPTION ASSISTANCE CASH PAYMENTS** Refer to Appendix 3.6: Adoption Assistance Funding.	

Adoption Services Post Adoption Services

Protocol- What you must do	Guidance

Attachment A: Adoption Services Application

Services Requested: □ Placement □ Preplacement Assessment

□ Placement Supervision □ Report on Proposed Adoption

□ Post Adoption Services □ Other *(specify)*_____ Applicant #1

Applicant #2

Name (First/MI/Last)
Date of Birth
Gender
Occupation
Religion
Education
Marital Status
Languages Spoken
Home Address Street City State Zip Code
Mailing Address Street/PO Box # City State Zip Code
Phone Numbers (Home) Work Phone #1 Cell Phone #1 Work Phone #2 Cell Phone #2
( ) ( ) ( ) ( ) ( )
E Mail Address Applicant #1 Applicant #2
What is the best time to contact you? Day Evening
Do you have an approved Preplacement Assessment (Homestudy) completed within the 18 months? □ YES □ No

CHILDREN AND ADULTS IN THE HOME

First Name MI Last Name
Date of Birth
Gender
Education
Relationship to Applicants

CHARACTERISTICS OF CHILDREN OU ARE INTERESTED IN ADOPTING *(Complete for DSS Adoption ONLY)*

Number of Children

□ 1 □ 2 □ 3 □ 4 □ 5 □ other

Gender Preference

□ No Preference □ Male □ Female

Age Preference

Minimum Age _____ Maximum Age ____
Please indicate the special needs characteristics of the child(ren) you would consider
□ None □ Child(ren) over the age of six □ Sibling Group □ Behavior Challenges
□ Learning Disability □ Emotional Disability □ Mental Retardation □ Adolescent
□ HIV/AISD □ Mental/Physical Disability □ Alcohol/Drug Exposed □ Premature Birth
□ Other Special Needs (specify)
_____
_____
Have you ever applied to adopt a child: □ Yes □ No If :"YES", with what agency?

TO BE COMPLETED BY ADOPTIVE APPLICANTS FOR PLACEMENT OF NON SPECIAL NEEDS CHILD

I the undersigned adoptive applicant, understand that, pursuant to NCGS 48-2-5-4 and 48-3-304, the county department of social services may charge a fee for preparing a Preplacement Assessment and/or Order to the Court on Proposed Adoption for non-special needs child(ren).

_____ _____

Adoption Services Post Adoption Services

Applicant #1's Signature Date Applicant #21's Signature Date

TO BE COMPLETED BY ALL ADOPTIVE APPLICANTS

I/We, certify that all information given in this application is true and accurate to the best of my/our knowledge.

_____ _____

Applicant #1's Signature Date Applicant #21's Signature Date

Attachment B: Adoption Services to the Child Checklist

Name of Child	Social Worker			Date

Service/Activity/Task	Completed			Comment
	YES	NO	N/A	
1. Is there indication that child may be of Indian heritage/ancestry?				
2. If child is of Indian heritage/ancestry, has Indian Child Welfare Act Compliance Checklist DSS-5291 been completed?				
3. Is child legally free for adoption?				
4. Has child been registered on NCKids?				
5. If child is not registered on NCKids, has an exemption (DSS-5303) been granted by NCDSS?				
6. Is this a legal risk placement?				
7. If this is a legal risk placement, has the Legal Risk Placement Agreement, DSS 5304 been completed?				
8. If this is an interstate placement, does Interstate Compact on the Placement of Children (ICPC) apply?				
9. Has Interstate Compact on the Placement of Children (ICPC) compliance been met?				
10. If ICPC placement, has ICPC packet been sent to NCDSS for approval?				
11. Has an adoption record been set up for the child?				
12. Has appropriate security been initiated to restrict access to adoption record?				
13. Does child have rehabilitative and/or medical needs covered under the Children's Special Health Services (CSHS)Program?				
14, If yes, has pre-adoptive application been made coverage under CSHS program?				
15. If approved for coverage under CSHS program, has the adoptive family been informed?				
16. Has eligibility for Adoption Assistance been established?				
17. Has child's Preadoptive Summary been completed?				
18. Are recent photos of child available?				
19. Was a Lifebook prepared for the child?				
20. Does child need supportive/therapeutic services to help resolve adoption related issues?				
21. Is the foster parent or a relative being considered as a placement resource?				
22. If purchase of adoption services with out of state agency is needed, has approval for reimbursement of payment by State Office been requested?				
23. Has preplacement visits schedule been developed?				
24. Has the following documents been given to the prospective adoptive parents:				
(a) DSS 5102 – Non Identifying Background Information?				
(b) DSS 5103 – Adoption Health History, Part 1?				
(c) Lifebook?				
(d) Letter(s) from birth parents, if applicable?				
(e) Copy of school record?				
(f) Copy of medical record?				
(g) Social security number?				
(h) Adoption assistance agreement?				
(I) Adoption assistance payment instruction?				
(k) DSS 5346 –Information Sharing Acknowledgement?				
25. Has DSS 5094 been closed, if applicable?				
26. Has DSS 5095 been opened, if applicable?				
27. Was application made for Special Children Adoption Incentive Fund, if child is receiving supplemental foster care payment?				

Attachment C: Preplacement Assessment Checklist

1 of 2 Prospective Adoptive Parent(s) Name(s)
Identification Number
Social Worker
Date

DIRECTIONS: Indicate whether the information listed below has been included in the Preplacement Assessment.

Information Included in Preplacement Assessment

YES

NO

N/A

1. Was Preplacement Assessment completed within 90 days of acceptance of request?
2. Was at least one personal interview and separate face-to-face interviews held with each member of the household above six years of age?
3. If the Preplacement Assessment was completed 18 months or more before placement of a child occurs was it updated to reflect current information about the family?
4. Are physical examinations of family members current to within 12 months of the Preplacement Assessment?
5. Has the following areas been assessed and the information documented in the adoptive applicant's record:
   - (a) the applicant's reasons for wanting to adopt?
   - (b) the strengths and needs of each member of the household?
   - (c) the attitudes and feelings of the family, extended family and significant others involved with the family toward accepting adoptive children and parenting children not born to them?
   - (d) the attitudes of the applicants toward the biological parents and in regards to the reasons the child is in need of adoption?
   - (e) the applicant's attitude toward the child's behavior and discipline?
   - (f) the applicant's plan for discussing adoption with the child?
   - (g) the emotional stability and maturity of applicant?
   - (h) the applicant's ability to cope with problems, stress, frustrations, crisis, and loss?
   - (i) the applicant's ability to give and receive affection?
   - (j) the applicant's child-caring skills and willingness to acquire additional skills needed for the child's development?
   - (k) the applicant's ability to provide for the child's physical and emotional needs?
   - (l) whether the applicant' has been convicted of a crime other than a minor traffic violation?
   - (m) a statement regarding the results from criminal record checks of household members over the age of eighteen?
   - (n) the applicant's physical and mental health, including and any addiction to alcohol and drugs?
   - (o) the strengths and needs of birth children or previously adopted children?
   - (p) the current financial information provided by the applicant, including property and income?
   - (q) the applicant's personal character references?
   - (r) the location and physical environment of the home?
   - (s) the applicant's religious orientation, if any?

(t) the plan for child care, if parents work?

(u) recommendations for adoption in regard to the number , age, sex, characteristics, and special needs of children who could be best served by the family?

Information Included in Preplacement Assessment

Attachment D: Child Pre-Adoptive Summary Outline

Suggested Outline

I. Identifying Information

•Child's first name.

•Child's date of birth.

•Child's race/ethnicity.

•Child's religious heritage.

II.Legal Status

•If child is legally free for adoption, give dates of parent's relinquishment(s) and/or termination of parental right order(s) or death.

•If child is not legally free for adoption state what needs to take place make child legally free for adoption.

III.Placement History

•Reason child came into care

–Describe in detail why, when and how the child was place in agency's custody.

•Number of placements

List all of the child's placements since initially coming into care, giving dates of each placement

Describe in detail why the child was removed from each placement,

Describe in detail the child's emotional and physical condition at the time of each move.

Describe child's relationship with each placement resource.

•Current Placement

Describe type of placement (i.e., foster care, relative, residential, group home, etc.)

Describe child's relationship with current family

IV. Physical Description

Height

Weight

Hair and eye color

Distinguishing features or characteristics, etc.

V.Personality/Disposition

•Tell what is likeable about this child.

•Describe challenges that the child presents.

VI. Birth Information

•Child's weight at birth.

•Describe significant details of child's birth (i.e., delivery complications, tests administered and results.

•Genetic traits inherited by child.

VI. Developmental Milestones

•Describe any developmental delays the child has.

•Tell when the child first crawl, babble, took first step, walk, talk, etc.

•Describe the child's current level of developmental functioning.

VII. Personal Relationships

•Describe how the child interacts with other children, siblings, adults, animals, friends, etc.

•Describe the child's current feelings about birth family, siblings, foster family, caretaker, others, etc.

•Describe siblings, including plans for siblings, if not seeking placement together.

•Describe the child's interaction and relationship with the birth family.

•Describe current and anticipated involvement of birth family with child.

•Describe the caretaker, therapist, social worker's, etc. assessment of child's ability to trust and attach to new family.

•Describe any unusual or difficult behaviors the child has.

VIII. Health Information

•Describe any physical, medical or health conditions.

•Describe child's current health condition.

•List child's current medications.

IX. Psychological Information

•Discuss the child's need for psychological treatment.

•If child is currently in therapy, give frequency of appointments.

•Describe child's diagnosis and prognosis.

•Describe behavioral issues, if any.

•Describe separation, loss and attachment issues.

X. Daily Routine

•Describe what a typical day is like for this child.

•Describe what it is like to for this child on a daily basis.

•Describe the child sleeping pattern.

•Describe if the child has recurring nightmares.

XI. Eating Habits

•List the child's favorite and least favorite food(s).

•Describe any food allergies including and symptoms and severity.

•Describe any eating difficulties such as hoarding, gorging, swallowing or stealing food.

XII. Educational Information

•What is the child's current grade?

•Is child functioning at, above or below grade level?

•Describe any educational test administered and results.

•What, if any, special education needs does the child require?

•In which subjects does the child excel?

•What subjects, if any, are difficult for the child?

•Describe any academic, social and/or behavioral gains the child has made in school.

XIII. Birth Father and Birth Mother Information

•Physical Description of birth mother and birth father

Height

Weight

Hair and eye color

Distinguishing features or characteristics, etc.

Tattoos or scars

Right or left handed

Glasses or contacts

Favorite style of dress

•Personality

Describe the birth parents' disposition.

Describe the birth parents' lifestyle.

Describe the birth parents interests and talents

•School Information for the Birth Parents

What level of education did the birth parents complete?

What was the birth parent favorite and/or least favorite subjects?.

Did the birth parents have any special education needs?

•Health/psychological Information for the Birth Parents

Describe the birth parents general health.

Are there any family health issues or pre-disposition conditions?

What was the birth parent favorite and/or least favorite subjects?

Describe any psychological diagnosis, giving information on hospitalizations and treatments.

Describe birth parents' chemical dependency including age the parents started using and their drug of choice (include alcohol and prescription drugs), treatments and outcomes

Describe behaviors of birth parents that impacted the child being removed from the home or released to agency.

•Birth Family Network

List information regarding all known relatives and their whereabouts (even if they have never met the child).

List close gamily friends, godparents, and other non-relatives who played significant roles in the child's life..

XIV. Child's Preparation for Adoption

•Describe the child's understanding of why s/he is being adopted.

•Describe how the child is being prepared for adoption, including any issues regarding transitioning to a new family.

•Describe the child's expectation of an adoptive family.

•Describe recruitment efforts made on behalf of the child.

XV. Agency's Recommendation for Adoptive Placement

•Describe desirable characteristics of a potential adoptive family which would be suitable for the child.

•Describe the strengths and needs (not to be confused with special needs status for adoption assistance eligibility).

_____ _____ _____

Social Worker's Signature Print: First Name MI Last Name Date

_____ _____ _____

Supervisor's Signature Print: First Name MI Last Name Date

Attachment E: Preparation for Finding an Adoptive Family

THERE ARE SEVERAL KEY AREAS TO COVER IN MAKING EFFORTS TO FIND AN ADOPTIVE PLACEMENT FOR A CHILD IN A TIMELY MANNER. THESE STEPS SHOULD BEGIN AS SOON AS ADOPTION IS IDENTIFIED AS THE PERMANENCY PLAN. Steps 1 &2 should be completed within 30 days of adoption becoming the plan goal. Steps 3-5 should be done simultaneously. Step 6 should be evaluated and used as needed. A copy of **Child Profile** is also being provided for your review.

1. The child's eligibility for adoption assistance must be reviewed-and either established or denied.
    a. The child's worker should review the criteria for subsidy as outlined in Appendix 3.6 of the NC Child Welfare manual. If the child has been in foster care and has been abused and/or neglected it is likely that eligibility can be established easily.
    b. Attention must be given to the criteria in reference to the type of funding program. This is related to the situation and funding of the child in foster care.
    c. The decision in reference to eligibility must be made prior to placement-usually by the review committee.
    d. Documentation of both funding program eligibility and basis for the child's eligibility for subsidy must be documented in the child's record.
    e. A decision to deny subsidy must also be documented.
2. A comprehensive Child Pre-Adoptive Summary should be prepared by social workers who have knowledge of the child-this may require a collaborative effort, but should be the responsibility of the present worker to coordinate. Child's background, parents' background, previous and present placement, special needs and present situation should all be included.

The steps outlined above are critical in finding a family, yet are only one part of the workers responsibility. While all the above is going on the worker should be preparing the child, by:

1. Becoming thoroughly familiar with the child--including strengths, needs and background.
2. Constructing a Life book
3. Exploring attachment figures in the child's life - i.e., previous foster parents, siblings, grandparents, fictive relatives as well as biological parents.
    a. identifying them
    b. contacting them
    c. enabling them to assist the child to accept adoption
4. Helping the child cope with grief and loss-beginning by recognizing the issues involved in the grief and loss cycle.
5. Identifying needed services and arranging for the child to receive them.

The worker should also prepare the present placement family, for the process of finding a family, as well as the placement process. It is critical to involve the family in the information gathering, in the search and in the actual placement process. Care should be taken to help them deal with the child's behavior as well as their own feelings of grief-and/or joy.

ADOPTION CHECK CHECKLIST FOR CLERKS FOREIGN ADOPTION

When an adoption is finalized in a foreign country and the child is being readopted in North Carolina, the following documents are needed:

□ **Petition for Adoption of Minor Child** (DSS-1800)

□ Original or certified copy of foreign adoption decree with English translation

□ Certified copy of the original foreign birth certificate with English translation

□ Copy of the preplacement assessment certified by the agency that prepared it

□ **Report on Proposed Adoption** (DSS-1808)

□ **Disclosure of Fees and Expenses Affidavit** (DSS-5191)

□ **Decree of Adoption** (DSS-1814)

□ **Report to Vital Records** (DSS-1815)

NOTE: Foreign adoption papers will be returned to the adoptive parents by certified mail from NC Vital Records once they have established a Certificate of Identification for the child.

ADULT ADOPTION

Adult is defined by NCGS 48-1-101(3) as an individual who is 18 years of age, or if under the age of 18, is either married or has been emancipated under applicable State Law.

□ **Petition for Adult Adoption** (DSS-5163), NCGS 48-5-101

□ **Attachments to petition**

□ **Consent to Adoption by Adult Adoptee** (DSS-5164)

□ **Consent to Adoption by Spouse of Petitioner** (DSS-5165) (when adult's

stepparent is petitioner) unless waived for cause.

□ If applicable, consent to adoption by guardian of incompetent adult adoptee. NCGS 48-5-103. Also need investigation by court appointed GAL other than guardian.

□ **Proof of Service of Notice by Petitioner** to appropriate persons in NCSG 48-2-401, including any adult children of prospective adoptive parent and any parent, spouse or adult child of adoptee listed in petition to adopt, or certified copies of any written waivers of that notice.

NOTE: For cause, the requirement of notice to the adoptee's parent may be waived.

□ **Affidavit** accounting for any payments or disbursement made or agreed to be made by petitioner in connection with adoption. **(DSS-5191)** Must include amount of each payment or disbursement and name and address of each recipient. Must be filed at least 10 days before entry of final decree. NCGS 48-2-602; 48-2-603(9); 48-10-103.

□ **Decree of Adult Adoption (DSS-5166)**

NCGS 48-2-605 provides that the prospective adoptive parent and the adoptee shall both appear in person unless the court for cause waives this requirement, in which case an appearance for either or both may be made by an attorney authorized in writing to make an appearance. At least 30 days shall have elapsed from the filing of the adoption petition unless waived by the clerk, but notice of the petition must have been served on all required persons.

□ **Report to Vital Records for Adult Adoption** (DSS-5167)

INDEPENDENT ADOPTION

□ **Petition for Adoption of Minor Child** (DSS-1800) G.S. 48-2-301 to 48-2-306.

NOTE: The spouse of the petitioner must join in the petition unless the spouse has been declared incompetent or the requirement is waived for cause. This waiver needs to be in writing.

NOTE: The petition must be filed within 30n days of the child's placement for adoption, but this time may be extended.

NOTE: If the petitioner is unmarried, no other may join in the petition.

□ **Attachments to Petition**. G.S. 48-2-305 (omitted information may be filed before the final decree. G.S. 48-2-306).

□ **Affidavit of Parentage (DSS-1809)** G.S. 48-3-206.

NOTE: This may be prepared by someone with knowledge of the child's parentage, if the parents are not available.

□ **Consent to Adoption by Parent, Guardian Ad Litem or Guardian**

(DSS-1802).

NOTE: Only father may execute prebirth relinquishments. G.S. 48-3-604.

NOTE: Where the child has already been adopted I a foreign country, that adoption order is accepted in lieu of parental consents when adoptive parents wish to readopt in North Carolina. 48-2-205/

□ Certified copy of any court order terminating the rights of a parent or guardian of adoptee.

□ **Denial of Paternity (DSS-5118)**

NOTE: Only unwed father may deny paternity. G.S. 48-3-603(a)(5).

□ **Consent of Child for Adoption (DSS-1803)** 12 years or older unless dispense within writing by clerk of court under G.S. 48-3-603(b)(1).

□ Certified copy of any court order or pleading in a pending proceeding concerning custody of or visitation with the adoptee.

□ Copy of the Preplacement Assessment certified by the agency that prepared it or affidavit stating why preplacement assessment is not available. Preplacement Assessment must have been completed or updated within 18 months of adoptive placement.

□ Certificate of Delivery of Preplacement Assessment **(DSS-5219)** to placing parent or guardian, if child's placement preceded completion of preplacement assessment. Placing parent may revoke consent at any time until five business days after receipt of completed assessment. G.S. 48-3-307(c).

□ **Non-Identifying Background Information (DSS-5102) and Adoption Health History, (Part I and II) (DSS-5103) –** Certified copies of documents or affidavits stating why documents are not available. G.S. 48-3-205.

□ Any signed copy of 100A **(DSS-1837)** required by Interstate Compact on the Placement of Children (ICPC) authorizing minor to come into North Carolina or affidavit stating why authorization is not available.

□ A writing that states the names of any individual whose consent maybe required, but who has not executed a consent or whose parental rights have not been terminated.

□ **Proof of Service Notice** by petitioner(s) to appropriate persons or certified copies of any written waivers of that notice by those persons. G.S. 48-2-401; G.S. 48-2-407,

NOTE: This includes any possible father who has not executed a consent or denial of paternity, had his rights terminated or been judicially determined not to be the father. It also includes notice to (1) the spouse of the petitioner if the joinder requirement may be waived, but effective for petitions filed on or after 10/01/05, this notice may be waived and (2) a minor whose consent has not been required by the clerk.

When notice is given and a possible father does not respond within 30days, 40 days to notice by publication, G.S. 48-3-603(a)(7) provides that his consent to the adoption is not required. Effective with petitions files on or after 10/01/05, the clerk must enter an order finding his consent is not necessary because he did not respond under G.S. 48-2-207. If publication is used, the petitioner must file an affidavit showing due diligence in trying to find the father. Rule 4(j1) and (j2) of the Rules of Civil Procedure.

If a father or possible father does respond the clerk must hold a hearing to determine whether his consent is required under G.S. 48-3-601, setting out steps fathers must take to preserve their rights in an adoption. This hearing may be transferred to a district court judge pursuant to GS 48-2-601(a1).

□ Notice of adoption proceeding mailed or otherwise delivered by Clerk no later than five (5) days after petition filed to any agency that has undertaken but not yet completed a Preplacement Assessment and any agency ordered to make a report to the court. G.S. 48-2-403.

□ **Order for Report on Proposed Adoption (DSS-1807)**

If preplacement assessment filed with petition and child was placed with petitioner(s) after the completion of that assessment, order for report on proposed adoption is mailed or delivered within five (5) days after petition filed to agency that prepared assessment or another agency. G.S. 48-2-403; 48-2-501

o If preplacement assessment filed with petition but child was places with petitioners(s) before completion of that assessment, order for report on proposed adoption is not sent for at least 30 days after completion of preplacement assessment. G.S. 48-3-301(c)(2).

o If no preplacement assessment filed with petition, then order for report on proposed adoption is not sent for at least 30 days after completion of preplacement assessment. G.S. 48-3-301(c)(2).

□ **Report on Proposed Adoption (DSS-1808)** including any supplemental reports filed if the initial report indicated a concern with the adoption and the time for final decree was extended to allow resolution of those concerns. The supplemental report must indicate whether and how the concerns have been satisfied. G.S.48-2-502 and 503.

□ **Affidavit-Disclosure of Fees & Expenses (DSS-5191)** accounting for any payments or disbursements made or agreed to be made by petitioner in connection with adoption. Must include amount of each payment or disbursement and name and address of each recipient. Must be filed at least 10 days before entry of decree of adoption in order to give clerk time to review. G.S. 48-2-602; 48-2-603(9); 48-10-103.

□ **Decree of Adoption (DSS-1814)**

Time and date of hearing (if contested) or disposition of petition set no later than 90 days after petition filed. Requirement that 90 days have elapse sine petition filed may be waiver for cause. Hearing or disposition must take place no later than six month after petition filed unless extended. G.S> 48-2-601; 48-2-603.

□ **Report to Vital Records (DSS-1815).**

AGENCY ADOPTION

□ **Petition for Adoption of Minor Child** (DSS-1800) G.S. 48-2-301 to 48-2-306.

NOTE: The spouse of the petitioner must join in the petition unless the spouse has been declared incompetent or the requirement is waived for cause. This waiver needs to be in writing.

NOTE: The petition must be filed within 30n days of the child's placement for adoption, but this time may be extended.

NOTE: If the petitioner is unmarried, no other may join in the petition.

□ **Attachments to Petition**. G.S. 48-2-305 (omitted information may be filed before the final decree. G.S. 48-2-306).

□ **Affidavit of Parentage** (DSS-1809) G.S. 48-3-206.

NOTE: This may be prepared by someone with knowledge of the child's parentage, if the parents are not available. If the agency has terminated the parental rights of all parents, this affidavit is *not* required.

□ **Agency's Consent to Adoption** (DSS-1801).

□ **Relinquishment of Minor for Adoption By Parent of Guardian (DSS-1804)**

NOTE: Only father may execute prebirth relinquishments. G.S. 48-3-604.

□ Certified copy of any court order terminating the rights of a parent or guardian of adoptee.

□ **Denial of Paternity (DSS-5118)**

NOTE: Only unwed father may deny paternity. G.S. 48-3-603(a)(5).

□ **Consent of Child for Adoption (DSS-1803)** 12 years or older unless dispense within writing by clerk of court under G.S. 48-3-603(b)(1).

□ Certified copy of any court order or pleading in a pending proceeding concerning custody of or visitation with the adoptee.

□ Copy of the Preplacement Assessment certified by the agency that prepared it or affidavit stating why preplacement assessment is not available. Preplacement Assessment must have been completed or updated within 18 months of adoptive placement..

□ **Consent to Release of Identifying Information (DSS-5218)** by a placing parent

and adopting parents to release identifying information under G.S. 48-9-109.

□ **Non-Identifying Background Information (DSS-5102) and Adoption Health History, (Part I and II) (DSS-5103) –** Certified copies of documents or affidavits stating why documents are not available. G.S. 48-3-205.

□ Any signed copy of 100A **(DSS-1837)** required by Interstate Compact on the Placement of Children (ICPC) authorizing minor to come into North Carolina or affidavit stating why authorization is not available.

□ A writing that states the names of any individual whose consent maybe required, but who has not executed a consent or relinquishment or whose parental rights have not been terminated.

□ **Proof of Service Notice** by petitioner(s) to appropriate persons or certified copies of any written waivers of that notice by those persons. G.S. 48-2-401; G.S. 48-2-407,

NOTE: Notice must go to (1) the spouse of the petitioner if the joinder requirement may be waived, unless that notice is waived and (2) a minor 12 or older whose consent has not been required by the clerk.

In agency adoptions, the agency shall file a TPR petition against an unknown parent or possible parent instead of serving notice by publication under this section. An agency may give actual notice by personal service or registered mail to a parent, and if that parent does not respond, the clerk must enter an order that this consent is not necessary under G.S. 48-2-207.

□ Notice of adoption proceeding mailed or otherwise delivered by Clerk no later than five (5) days after petition filed to any agency that has undertaken but not yet completed a Preplacement Assessment and any agency ordered to make a report to the court. G.S. 48-2-403.

□ **Order for Report on Proposed Adoption (DSS-1807)** mailed or otherwise delivered to (1) agency that placed minor or (2) agency that prepared Preplacement Assessment or (3) another agency.

□ **Report on Proposed Adoption (DSS-1808)** including any supplemental reports filed if the initial report indicated a concern with the adoption and the time for final decree was extended to allow resolution of those concerns. The supplemental report must indicate whether and how the concerns have been satisfied. G.S.48-2-502 and 503.

□ **Affidavit-Disclosure of Fees & Expenses (DSS-5191)** accounting for any payments or disbursements made or agreed to be made by petitioner in connection with adoption. Must include amount of each payment or disbursement and name and address of each recipient. Must be filed at least 10 days before entry of decree of adoption in order to give clerk time to review. G.S. 48-2-602; 48-2-603(9); 48-10-103.

□ **Decree of Adoption (DSS-1814)**

Time and date of hearing (if contested) or disposition of petition set no later than 90 days after petition filed. Requirement that 90 days have elapse sine petition filed may be waiver for cause. Hearing or disposition must take place no later than six month after petition filed unless extended. G.S. 48-2-601; 48-2-603.

□ **Report to Vital Records (DSS-1815).**

RELATIVE ADOPTION

Applies only to placement by parent (not any agency) for adoption by grandparent, sibling, first cousin, aunt, uncle, great-aunt, great-uncle or great-grandparent of minor. Placement by parents with other relatives are treated as independent adoptions and require a preplacement assessment.

□ **Petition for Adoption of Minor Child** (DSS-1800) G.S. 48-2-301 to 48-2-306.

NOTE: The spouse of the petitioner must join in the petition unless the spouse has been declared incompetent or the requirement is waived for cause. This waiver needs to be in writing.

NOTE: The petition must be filed within 30n days of the child's placement for adoption, but this time may be extended.

NOTE: If the petitioner is unmarried, no other may join in the petition.

□ **Attachments to Petition**. G.S. 48-2-305 (omitted information may be filed before the final decree. G.S. 48-2-306).

□ **Affidavit of Parentage (DSS-1809)** G.S. 48-3-206.

NOTE: This may be prepared by someone with knowledge of the child's parentage, if the parents are not available.

□ **Consent to Adoption by Parent, Guardian Ad Litem or Guardian**

(DSS-1802).

NOTE: Only father may execute pre-birth relinquishments. G.S. 48-3-604.

NOTE: Where the child has already been adopted I a foreign country, that adoption order is accepted in lieu of parental consents when adoptive parents wish to readopt in North Carolina. 48-2-205/

□ Certified copy of any court order terminating the rights of a parent or guardian of adoptee.

□ **Denial of Paternity (DSS-5118)**

NOTE: Only unwed father may deny paternity. G.S. 48-3-603(a)(5).

□ **Consent of Child for Adoption (DSS-1803)** 12 years or older unless dispense within writing by clerk of court under G.S. 48-3-603(b)(1).

□ Certified copy of any court order or pleading in a pending proceeding concerning custody of or visitation with the adoptee.

□ **Non-Identifying Background Information (DSS-5102) and Adoption Health History, (Part I and II) (DSS-5103) –** Certified copies of documents or affidavits stating why documents are not available. G.S. 48-3-205.

□ Any signed copy of 100A **(DSS-1837)** required by Interstate Compact on the Placement of Children (ICPC) authorizing minor to come into North Carolina or affidavit stating why authorization is not available.

NOTE: Placement by parents with a first cousin, great-aunt, great-uncle or great-grandparent of the minor across state lines requires ICPC compliance (which

includes a preplacement assessment) even if the parents also live in North Carolina.

□ A writing that states the names of any individual whose consent maybe required, but who has not executed a consent or whose parental rights have not been terminated.

□ **Proof of Service Notice** by petitioner(s) to appropriate persons or certified copies of any written waivers of that notice by those persons. G.S. 48-2-401; G.S. 48-2-407,

NOTE: This includes any possible father who has not executed a consent or denial of paternity, had his rights terminated or been judicially determined not to be the father. It also includes notice to (1) the spouse of the petitioner if the joinder requirement may be waived, but effective for petitions filed on or after 10/01/05, this notice may be waived and (2) a minor whose consent has not been required by the clerk.

When notice is given and a possible father does not respond within 30days, 40 days to notice by publication, G.S. 48-3-603(a)(7) provides that his consent to the adoption is not required. Effective with petitions files on or after 10/01/05, the clerk must enter an order finding his consent is not necessary because he did not respond under G.S. 48-2-207. If publication is used, the petitioner must file an affidavit showing due diligence in trying to find the father. Rule 4(j1) and (j2) of the Rules of Civil Procedure.

If a father or possible father does respond the clerk must hold a hearing to determine whether his consent is required under G.S. 48-3-601, setting out steps fathers must take to preserve their rights in an adoption. This hearing may be transferred to a district court judge pursuant to GS 48-2-601(a1).

□ **Order for Report on Proposed Adoption (DSS-1807)** mailed or delivered to agency. G.S. 48-2-501; 48-2-403.

□ **Report on Proposed Adoption (DSS-1808)**. G.S.48-2-502 and 503.

□ **Affidavit-Disclosure of Fees & Expenses (DSS-5191)** accounting for any payments or disbursements made or agreed to be made by petitioner in connection with adoption. Must include amount of each payment or disbursement and name and

address of each recipient. Must be filed at least 10 days before entry of decree of adoption in order to give clerk time to review. G.S. 48-2-602; 48-2-603(9); 48-10-103.

□ **Decree of Adoption (DSS-1814)**

Time and date of hearing (if contested) or disposition of petition set no later than 90 days after petition filed. Requirement that 90 days have elapse sine petition filed may be waiver for cause. Hearing or disposition must take place no later than six month after petition filed unless extended. G.S> 48-2-601; 48-2-603.

□ **Report to Vital Records (DSS-1815).**

STEPPARENT ADOPTION

□ **Petition for Adoption of Minor Child** (DSS-5162) G.S. 48-2-301 to 48-2-306; 48-4-101.

NOTE: Parent who is spouse of stepparent must consent to the adoption but does not join in petition.

NOTE: Child must have lived with the stepparent and parent who has legal and physical custody of the child for at least six (6) months prior to filing petition, unless this requirement is waived for cause.

□ **Attachments to Petition**. G.S. 48-2-305 (omitted information may be filed before the final decree. G.S. 48-2-306).

□ **Consent to Adoption By Parent Who Is Spouse of Stepparent (DSS-5189)** G.S. 48-4-103(a).

□ **Consent to Adoption By Parent Who Is Not Stepparent's Spouse**

(DSS-5190) G.S. 48-4-103(b).

□ Certified copy of any court order terminating the rights of a parent or guardian of adoptee.

□ **Denial of Paternity (DSS-5118)**

NOTE: Only unwed father may deny paternity. G.S. 48-3-603(a)(5).

□ **Consent of Child for Adoption (DSS-5169)** 12 years or older unless dispense within writing by clerk of court under G.S. 48-3-603(b)(1).

□ Certified copy of any court order or pleading in a pending proceeding concerning custody of or visitation with the adoptee.

□ A writing that states the names of any individual whose consent maybe required, but who has not executed a consent or whose parental rights have not been terminated.

□ A copy of any agreement to release past-due child support payments.

□ **Proof of Service Notice** by petitioner(s) to appropriate persons or certified copies of any written waivers of that notice by those persons. G.S. 48-2-401; G.S. 48-2-407.

NOTE: This includes any possible father who has not executed a consent or denial of paternity, had his rights terminated or been judicially determined not to be the father. It also includes notice to (1) the spouse of the petitioner if the joinder requirement may be waived, but effective for petitions filed on or after 10/01/05, this notice may be waived and (2) a minor whose consent has not been required by the clerk.

When notice is given and a possible father does not respond within 30days, 40 days to notice by publication, G.S. 48-3-603(a)(7) provides that his consent to the adoption is not required. Effective with petitions files on or after 10/01/05, the clerk must enter an order finding his consent is not

necessary because he did not respond under G.S. 48-2-207. If publication is used, the petitioner must file an affidavit showing due diligence in trying to find the father. Rule 4(j1) and (j2) of the Rules of Civil Procedure.

If a father or possible father does respond the clerk must hold a hearing to determine whether his consent is required under G.S. 48-3-601, setting out steps

fathers must take to preserve their rights in an adoption. This hearing may be transferred to a district court judge pursuant to GS 48-2-601(a1).

□ **Order for Report on Proposed Adoption (DSS-1807)**

If the child has lived with the stepparent for at least two consecutive years immediately preceding the filing of the petition, the court may order a report, but is not required to unless the minor's consent to the adoption has been revoked or the minor's consent is to be waived or both or the minor's parents are dead. Any waiver of a report on proposed adoption in these cases should be in writing.

□ **Report on Proposed Adoption (DSS-1808)**. G.S.48-2-502 and 503.

□ **Affidavit-Disclosure of Fees & Expenses (DSS-5191)** accounting for any payments or disbursements made or agreed to be made by petitioner in connection with adoption. Must include amount of each payment or disbursement and name and address of each recipient. Must be filed at least 10 days before entry of decree of adoption in order to give clerk time to review. G.S. 48-2-602; 48-2-603(9); 48-10-103.

□ **Decree of Adoption (DSS-1814)**

Time and date of hearing (if contested) or disposition of petition set no later than 90 days after petition filed. Requirement that 90 days have elapse sine petition filed may be waiver for cause. Hearing or disposition must take place no later than six month after petition filed unless extended. G.S. 48-2-601; 48-2-603.

□ **Report to Vital Records (DSS-1815).**

Attachment G: Adoption Definitions

Abandonment - Desertion of a child by a parent or adult primary caregiver with no provisions for continued childcare nor with any apparent intention to return to resume caregiving.

Abuse and Neglect - Any act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse, or exploitation, or an act or failure to act which presents an imminent risk of serious harm.

Adoptee - Any person who has been adopted.

Adoption -. The creation by law of the relationship of parent and child between two individuals.

Adoption Agency - An organization that places children in homes, under the jurisdiction of state or licensing laws.

Adoption and Safe Families Act (ASFA) - Provides adoption promotion and support services designed to expedite the adoption process and support families through continued eligibility for adoption assistance benefits if the adoption is disrupted or if the adoptive parents die; authorization of Adoption Incentive Payments for States; requires documentation of reasonable effort to place a child for adoption, expands health care coverage to non-IV-E eligible adopted children with special health care needs and addresses geographic barriers to adoption.

Adoption Assistance - Cash payments or benefits made to parents who adopt children with special needs.

Adoption Assistance Agreement – a written agreement, binding on the parties to the agreement, between the agency and the prospective adoptive parents of a minor child ith documented special needs. It specifies the nature and amount of adoption assistance benefits.

Adoption Assistance State – The State that executed the adoption assistance agreement with the adoptive family.

Adoption Attorney - An attorney who is licensed to practice law in one or more states, who has the expertise and experience that is necessary to properly understand and apply the State and Federal laws pertaining to adoption matters, who is proficient in the filing, processing, and finalization of adoption matters in courts having appropriate jurisdiction, and in dealing effectively with birth parents, adoptive parents, and when necessary, members of their extended families, in matters relating directly and indirectly to adoption.

Adoption Committee – A group of a minimum of three people (a manager in children's services, the child's social worker, and the adoption worker) who meets to select a family whose strengths meet the needs of the child and to determine the child's compatibility with the adoptive family. 2

Adoption Disruption - The interruption of an adoptive placement prior to the finalization of the legal adoptive process.

Adoption Dissolution - The interruption of an adoptive placement after the legal process has been completed and the adoption is finalized

Adoption Resource Exchange - An organization which recruits adoptive families for children with special needs using print, radio, television and Internet recruitment, as well as matching parties (which bring together prospective adoptive parents, waiting children and their social workers in a child-focused setting). Adoption exchanges can be local, state, regional, national or international in scope.

Adoption Facilitator - An individual or a nonprofit entity that assists biological parents in locating and evaluating prospective adoptive parents without charge.

Adoption Tax Credits - Amounts deducted from state and federal tax liability for qualifying expenses paid to adopt an eligible child (including a child with special needs).

Adoption Triad/Triangle - The three parties involved in an adoption; birth parent, adoptive parent, and adoptee or child being adopted.

Adoptive Parent - Person(s) who legally assume parental rights/responsibilities of a child who was not born to them

Adult Adoption - The adoption of a person over the age of 18 years.

Affidavit of Parentage – A document signed by the mother and putative father of a child acknowledging that they are the parents.

Affidavit of Paternity – a document whereby a putative father voluntarily acknowledges paternity of a child born out-of-wedlock.

Agency Adoption - Adoptive placements made by department of social services or licensed child placing agency.

Agency Consent -. A document signed by an agency, on behalf of birth parents, releasing a child for adoption.

Agency Placement - An adoptive placement made by an agency having legal custody and placement responsibility for a child.

Amended Birth Certificate – A term used to refer to the new birth certificate that is issued for an adopted child after an adoption becomes final, which shows the new name of the adopted child and the adoptive parents as the parents of the child, as though they are its biological parents.

Application – A written request for services.

Adoption Assistance Appeal – The process used by adoptive parents to challenge the department of social services' decision regarding eligibility for adoption assistance benefits. 3

Bi-racial - Refers to an individual that has heritage of two races

Biological Child - The child of parents by birth.

Birth Certificate (original) - Legal document issued at time of birth with the child's biological history including the identity of one or both biological parents.

Birth Father - Biological father of a child.

Birth Mother - Biological mother of a child.

Birth Parent - A child's biological parent.

Central Registry - A centralized database containing information on all substantiated/founded reports of child maltreatment in a selected area (typically a State).

Child Abuse Prevention and Treatment Act (CAPTA) - The law (P.L. 93-247) that provides a foundation for a national definition of child abuse and neglect. CAPTA defines child abuse and neglect as "at a minimum, any recent act or failure to act on the part of a parent or caretaker, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or an act or failure to act which presents an imminent risk of serious harm."

Child Protective Services (CPS) - The designated social services agency (in most states) to receive reports, investigate and provide intervention and treatment services to children and families in which child maltreatment has occurred.

Children's Special Health Services – A program administered by the Division of Public Health that provides post adoption benefits/resources for special needs adoptive children to offset medical costs to families. Covered services include medical supplies, medications, appliances and equipments.

Closed Adoption - Adoption in which confidentiality of both adoptive parents and birth parents are protected under the law, the courts seal all records.

Concurrent Planning - A process used in foster care case management by which child welfare staff work toward family reunification and, at the same time, develop an alternative permanency plan for the child (such as permanent placement with a relative or adoption) should family reunification efforts fail..

Confidential Intermediary – A public or private child placing agency acting on behalf of birth parent, adoptive parent, adoptee or adult lineal descendants as a go between to facilitate contact or share identifying information.

Confidentiality - Limiting access of information to authorized individual only.

Consent –. The act of releasing a child for adoption by birth parent, agency that has custody of the child, guardian, or the court. 4

Child's Consent – Consent signed by a child age 12 and older approving his/her adoption. .

Child's Pre-adoptive Summary –A written assessment of the physical, mental, and emotional condition of the child, including the child's strengths, needs and non-identifying history.

COBRA – The acronym for The Consolidated Omnibus Budget Reconciliation Act of 1985. It addresses the provision of Medicaid to adoption assistance eligible children.

COBRA Reciprocity – A State's decision to extend Medicaid coverage to adopted children from another state living in the State who meets eligibility requirements and receive non Title IV-E adoption assistance benefits.

CPS - Acronym for Child Protective Services.

Cultural Competence - A set of attitudes, behaviors and policies that integrates knowledge about groups of people into practices and standards to enhance the quality of services to all cultural groups being served.

Custody - Authority by a person or guardian embodying all of the rights and responsibilities.

Deciding Together - A curriculum based on the MAPP/GPS program that provides individualized preparation and selection of prospective placement resources as an alternative the group process.

Decree of Adoption - A legal order that finalizes an adoption

Direct placement – An adoptive placement facilitated by the biological parents.

Disruption - Termination of an adoption prior to finalization.

Dissolution -- Termination of an adoption after to finalization.

Domicile - A person's permanent legal residence, where they may own property, register to vote, have a driver's license, pay taxes.

Expert Witness - A person who testifies at a trial because she has special knowledge in a particular field.

Extended Family - A child's relatives (other than parents) such as aunts, uncles, grandparents and sometimes close friends.

Extended Family – (ICWA purposes) is defined by the law and custom of Indian's child tribe. In the absence of law or custom, it shall be a person 18 or over who is the Indian child's grandparent, aunt or uncle, brother or sister, brother – in law or sister –in-law, niece or nephew, 1st or 2nd cousin or stepparent. 5

Fair Hearing –An appeal process for adoptive parents, who think they have been denied benefits or treated unfairly.

Fictive Kin - People not related by birth or marriage who have an emotionally significant relationship with an individual.

Foster Adoption Placement - Foster placement of a child, with adoption being the final goal, once all legal requirements have been met.

Foster Care - A form of substitute care, usually in a licensed home, for children whose well being requires removal from their homes.

Foster Child - Child who is placed with a state-licensed family or in a group care facility because their biological parents cannot provide proper care.

Foster Parent - Individual licensed by the state to provide a home for abused, neglected, delinquent or disabled children.

Foster-Adoption - A child placement in which birth parents' rights have not yet been severed by the court or in which birth parents are appealing the court's decision but foster parents agree to adopt the child if/when parental rights are terminated.

Foster to adopt – An adoption occurring when a prospective adoptive family chooses to foster prior to adoption.

Guardian Ad Litem (GAL) – Trained, independent advocates who represent and promote the best interests of abused, neglected and dependent children.

HIV Supplemental Adoption Assistance Payment – Supplemental adoption assistance for children with an HIV+ diagnosis.

ICPC – Acronym for the Interstate Compact on the Placement of Children.

Indian - any person who is a member or eligible for membership in an Indian tribe.

Indian Child – any unmarried person under age 18 who is either a member of a tribe or is eligible for membership in and Indian tribe and is the biological child of a member of an Indian tribe.

Indian Child's Tribe - the Indian tribe in which an Indian child is a member or eligible for membership.

Indian Custodian – any Indian person who has legal custody of an Indian child under tribal law or custom or under state law or to whom temporary physical care, custody, and control has been transferred by the parent of the child.

Indian Tribe – any Indian tribe, band, nation or organized group or community of Indians who are recognized as eligible for services provided to Indians by the Secretary of the Interior.

Indian Child Welfare Act (ICWA) - Federal Act designed to protect the interest of Native American children and tribes 6

Interstate Compact - A voluntary agreement between two or more states designed to address common problems of the states concerned.

Interstate Compact on Adoption and Medical Assistance (ICAMA) - An agreement between member states that governs the interstate delivery of and payment for medical services and adoption assistance payments/subsidies for adopted children with special needs.

Interstate Compact on the Placement of Children (ICPC) - An agreement regulating the placement of children across state lines. All 50 states, the District of Columbia and the U.S. Virgin Islands have independently adopted the ICPC as statutory law in their respective jurisdictions.

Kinship Adoption - An adoption where the adoptive parents are biologically related to the child to be adopted.

Legal Clearance - The process of making a child legally free for adoption through voluntary surrender of the child, by signing consent and relinquishment documents, or through a court decision to terminate parental rights.

Legal Custody - Awarded by a judge to a relative, foster parent, or other adopt person deemed suitable by the court. Legal custody has most of the same advantages and disadvantages as legal guardianship, except custody may be terminated "on the basis of a change in circumstances, regardless of the fitness of the guardian." The court defines the specific rights and responsibilities of a legal custodian. The custodian must show the court order to prove his or her right to act in a parental role. *T*he right to make decisions on behalf of a child

Legal Custodian - Person empowered by statute with the care and custody of a child.

Legal Guardian - The caretaker in a legal guardianship relationship.

Legal Guardianship - A judicially created relationship between a child and caretaker that is intended to be permanent and self sustaining as evidenced by the transfer to the caretaker parental rights with respect to the child's protection, education, care and control, custody and decision making.

Legal Risk Placement - Placement of a child in a prospective adoptive family when a child is not yet legally free for adoption.

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Legally Free - A child whose birth parents' rights have been legally terminated so that the child is "free" for adoption.

Life Book - A photographic and diary representation of the child's life designed to help the child make sense of his unique background and history before and during his or her experience in foster care and adoption. The life book includes birthparents, other 7

relatives, birthplace and date, etc. and can be put together by social workers, foster parents or adoptive parents working with the child.

Lineal Descendant - A person who is in direct line to an ancestor, such as child, grandchild, great-grand child and so on.

MAPP/GPS – This is the acronym for Model Approach to Partnerships in Parenting/Group Preparation and Selection. It is a 30 hour program for foster and adoptive parents designed to assist families in making decisions about their ability, readiness, and willingness to foster or adopt. .

Matching - The process of linking preferences of prospective adoptive families and waiting children to find suitable placement resources.

Means Testing – Using a family's income to determine eligibility for benefits.

MEPA-IEP - Acronym for Multi-Ethnic Placement Act of 1994 and the Interethnic Provisions of 1996.

MRS – Acronym for Multiple Response System

Multiple Response System - A Child Protective Services investigative response to abuse/neglect allegations that focuses upon the strengths of the family and involves the parents to help create solutions to family issues

Multi-Racial - Refers to a child that has heritage of two or more races.

Mutual Home Assessment – Study of a prospective family foster home to determine if the home meets the basic requirements of the agency and if the home is suitable for foster family care of child or behavioral mental health treatment services for a child. The study includes planned discussions between the agency staff, the prospective foster parent applicants and other members of the household.

NC Kids – NC Kids is the adoption resource exchange for North Carolina. It is a system of exchanging information among local agencies about children available for adoption and prospective adoptive parents. NC Kids relies on print, radio, television and Internet recruitment.

Non-Identifying Information - Any information that would not reasonably be expected to lead directly to the identity of an adoptee, adoptive parent or birth parent, usually health/medical information and family background.

Non-Recurring Adoption Costs - One time adoption expenses, which may be at least partially reimbursed by states up to a maximum amount to families adopting children with special needs. Allowable expenses for this reimbursement benefit can include the cost of a preplacement assessment, adoption fees, court costs, attorney fees, physical and psychological examinations, travel to visit with the child prior to the placement and other expenses related to the legal adoption of a child with special needs. 8

Open Adoption - A term generally used to describe a variety of arrangements allowing for ongoing contact between members of the 'adoption triad' (adoptive family, natural family, and adopted child). The level of openness in any relationship varies widely.

Order for the Report to the Court – An order issued by Clerk of Superior Court requesting that an adoption agency make an assessment of a prospective adoptive family to assist the court to determine if the proposed adoption of the minor by the petitioner is in the child's best interest.

Out-of-Home Agreement – Describes the basis for which agency custody and/or placement outside the home and the plan for permanency and the concurrent plan if objectives are not being met. The agreement is used to document the family's progress towards meeting objectives. The agreement also documents justification for the placement choices.

PALS – Acronym for Photo Adoption Listing Service, a recruitment tool used by adoption exchanges.

Parent – the biological or adoptive parent or legal guardian, as determined by law.

Permanency Planning Family – Foster families are recruited and trained to provide foster care and work with the team towards reunification, but they are willing to consider committing to the child permanently through adoption if reunification is not possible.

Petition for Adoption - A legal document through which prospective parents request the court's permission to adopt a specific child.

Photo Adoption Listing Service - A photolisting book that provides pictures and profiles of children with special needs awaiting adoption.

Placement – Transfer of physical custody of a minor to the selected prospective adoptive parent.

Placement Date – This date may vary depending upon the type of adoption. In an agency adoption it is the date the adoption committee approved the prospective adoptive family for the child. For stepparent adoption, it would be the date the biological parent signs the consent to adoption and cannot be prior to the date of the marriage.

Placement Preference – Tribal established placement preferences governing the foster care, pre-adoptive and adoptive placement of Indian children.

Placing Agency – The agency that clears a child for adoption and consents to the adoption of the child.

Post-Adoption Services – Services provided subsequent to legal finalization of the adoption to support and sustain the adoptive placement.

Post-placement services – Services that are provided after the child's placement with his or her adoptive family but before the decree of adoption is issued. The goal of these services is to facilitate the integration of the child and family and the resolution of problems that they may encounter. 9

Preplacement Assessment – A written report containing the findings of the social worker who has met on several occasions with the prospective adoptive parents, has visited their home, and who has investigated the health, medical, criminal, family and home background of the adoptive parents. The purpose of the report is to help the court determine whether the adoptive parents are suitable to adopt a child, based on the criteria that have been established by state law.

Qualified Alien -- "qualified alien" means an alien who, at the time the alien applies for, receives, or attempts to receive a Federal public benefit, is--(1) an alien who is lawfully admitted for permanent residence under the Immigration and Nationality Act, (2) an alien who is granted asylum under section 208 of such Act, (3) a refugee who is admitted to the United States under section 207 of such Act, (4) an alien who is paroled into the United States under section 212(d)(5) of such Act for a period of at least 1 year, (5) an alien whose deportation is being withheld under section 243(h) of such Act, or (6) an alien who is granted conditional entry pursuant to section 203(a)(7) of such Act as in effect prior to April 1, 1980.

Re-Adoption – (1) A process in which international adopters adopt their children a second time, in front of a U.S. judge. (2) Re-adoption refers to a former adoptive child being re-adopted pursuant to an adoption dissolution.

Reasonable, but Unsuccessful Efforts to Place A Child Without Adoption Assistance - After looking at a number of approved families and the agency is satisfied that it has identified the "most suitable family for the child", full disclosure of child background and potential is given to prospective adoptive parents. The prospective adoptive parent should be asked if they are willing to adopt without adoption assistance. ***Exception:*** When it would be against the child's best interest because of strong emotional ties with prospective adoptive parents.

Recruitment plan – An agency strategy for locate placement resources reflective of child in the children in its custody.

Redact -- To obscure or delete sensitive/confidential information from a document prior to release to others

Relinquishment –The voluntary surrender of a minor to an agency for the purpose of adoption.

Report to the Court - The written report to the court describes any changes since the preplacement assessment and any concerns about the adoption. It includes an assessment of the relationship between the child and the adoptive parents and an update on the physical, mental, and emotional condition of the child. It includes a recommendation as to whether the adoption should be approved.

Revocation - The process by which a birth parent rescinds relinquishment or consent that previously signed by the parent(s) or guardian.

Safe Surrender Law (Infant Homicide Prevention Act) **–** Legislation that allows an infant up to 7 days old to be left with a responsible adult, legally and anonymously.