

Child and Family Services Policy Manual: Adoption Identification of and Selection of Family

Identification of Families

Upon receipt of a request for adoptive home studies for a child or children, the adoptive family's worker should identify families for the child(ren) from their pool of approved families. A copy of each appropriate family's pre-placement evaluation should be forwarded to the child's worker and others if indicated on the request for pre-placement evaluations.

The adoptive family's worker should consult with the family, either by phone or in person, prior to sending their pre-placement evaluation to determine their interest in being considered for placement of a particular child(ren). Social history narratives, **in hard copy**, may be given out to families at this time. **Social histories narratives must not be sent electronically.** The worker needs to inform the family that the social history narratives must be returned to the worker or destroyed within 30 days if the family is not selected. The worker must document on ACTD the date and the information given to the family, and stamp all confidential information given with:

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

In addition, the worker must supply the family with a copy of the form DPHHS-CFS-036:

CFSD Notice of the Return or Destruction of Confidential Records

NOTE: A sample of the CFSD Notice of the Return or Destruction of Confidential Records form can be located at the end of Policy 603-5 and can be located on OURS.

To expedite adoptive placements, a response to a request for pre-placement evaluations should be made within two weeks after a request is received. The response should indicate whether or not the family's worker will be submitting pre-placement evaluations for consideration. Even if the adoptive family's worker has no evaluations to submit, it is important that the worker respond to the request.

Selection of Family

A committee consisting of the placing worker and the worker's

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supervisor, the family resource specialist and supervisor, and the permanency planning specialist will review the families submitted for consideration and will select the family that best meets the child's needs. Families should be closely screened for their suitability for the child for whom they are being considered.

If the child is an Indian child (an ICWA case), a Tribal Social Services representative shall be invited to participate in the selection committee.

The child's therapist, guardian ad litem or foster parent(s) may be invited to provide information regarding the child and the type of placement which would meet the best interests of the child.

The placement of a child for adoption may not be delayed or denied on the basis of race, color, national origin, or jurisdictional boundaries of the adoptive family or the child. For adoption of an Indian child in state district court, however, the Indian Child Welfare Act supersedes this policy; adoptive placement preferences must be followed. The ICWA states that the following list of people must be given preference as adoptive parent(s) for an Indian child covered by ICWA:

1. A member of the child's extended family;
2. Other members of the child's tribe; or
3. Other Indian families.

(See Section 602-3, Indian Adoptions)

Best Interest Criteria

In selecting a family for a child, the interests of the child outweigh the interests of the state, the birth parents, the foster parent(s), or the adoptive parent(s).

A diligent search for relatives interested in adopting a child should be conducted to assist in the identification of and selection of the adoptive family.

Relatives or other kin wishing to adopt shall be assessed as any other prospective adoptive parent(s) and must meet the same criteria for approval as any other family. They are required to participate in the pre-service training unless a written exception

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is granted by the Regional Administrator.

When the child's relatives or other kin and the child's foster parent(s) wish to adopt the same child, and both have a favorable pre-placement evaluation completed, the relatives, or other kin, shall be given priority if they meet the placement criteria developed for the child as determined by the selection committee, and if the placement is in the child's best interest.

NOTE: Foster parent(s) or non-related families cannot be given preference over kin families based solely on the fact that the kin family resides in a different jurisdiction within the state or in another state.

NOTE: When a child is adjudicated a youth in need of care based on **abandonment** or if the Department is awarded temporary or permanent legal custody of an **abandoned** child and the child is not placed with his/her noncustodial parent, placement priority shall be given to a member of the child's extended family if such placement is in the child's best interests.

Determination of the best interests of the child includes consideration of the following:

- an assessment of services the child will need, based on the physical, educational, emotional and psychological needs of the child;
- whether the person(s) seeking to adopt the child adopted a sibling or half-sibling of the child(ren). Siblings shall be placed together whenever possible. If placement together with siblings is not considered in the child's best interest, document the reasons and submit to the supervisor for approval;
- the nature of any family relationship between the child and any person seeking to adopt the child and whether that person has established a positive emotional relationship with the child (See Montana Code Ann. § 42-5-107);
- the harm that could result to the child from a change in placement, including the importance of maintaining

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current relationships through:

- a. placement with a family with whom the child has strong emotional ties;
 - b. placement that enables the child to maintain relationships with friends, teachers, etc; and
 - c. placement with a family that will make a permanent, lifelong commitment to the child.
- identification of the child's race, and the role racial identity has played in the child's life. In an Indian child's placement, determination must be made if the requirements of the Indian Child Welfare Act have been met;
 - identification of the child's religion (if the child has been raised in a particular religion) and the role religion has played in the child's life;
 - the child's preference for a family;
 - which, if any, of the persons seeking to adopt the child were selected by the placing parent or the Department or other agency whose consent to the adoption is required; and
 - other factors particular to the child.

While each factor must be taken into account, the weight given any one factor or combination of factors will vary from child to child.

If no available family is determined to be appropriate, further circulation of the child's social history or referral of the child to *AdoptUSKids*, the national website (www.AdoptUSKids.org), and Montana's Waiting Child Program, must be pursued. The permanency planning specialist may be contacted for assistance. (See Section 603-1, Child's Adoption Referral and Circulation.)

A placement may not be denied or delayed when an approved family is available outside of the jurisdiction with responsibility

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for handling the case of the child. An opportunity for a fair hearing must be granted to an individual who alleges that the Department denied or delayed a placement for adoption of a child based on jurisdiction.

The selection process will be repeated as often as necessary until the majority of the committee members agree that an appropriate adoptive family has been located and the family has agreed to proceed with the placement.

Notification to Family

The selected family will be notified by their adoption worker who will then notify the placing worker of the family's decision. The placing worker will promptly notify in writing all other workers and agencies who submitted families for consideration that a family has been selected.

Copies of the pre-placement evaluations for families that were not selected should be returned to the adoptive family's worker promptly, but no later than a week after another family has agreed to accept the placement.

The placing worker must document in the child's file why the family selected meets the placement criteria for the child.

References

Mont. Code Ann. § 41-3-438
 Mont. Code Ann. § 42-1-106
 Mont. Code Ann. § § 42-3-201 through 42-3-301
 Mont. Code Ann. § 49-2-308(1)(a)
 Mont. Code Ann. § 52-2-102
 Mont. Admin. R. 37.52.101 through 37.52.125
 42 U.S.C. 670 Sec 471(a)(23)

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